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ABSTRACT

This report examines compliance by the United States with agreements made in the Helsinki Final Act. The Act was signed in 1975 by leaders of 33 East and West European nations, Canada, and the U.S. It contains numerous cooperative measures aimed at improving East-West relations. This report was prepared by the Commission on Security and Cooperation in Europe (CSCE), an independent advisory agency that monitors the implementation records of the U.S. and other countries which signed the Final Act. One of the report's purposes is the conscientious examination of the U.S. implementation record, including shortcomings pointed out by some CSCE participants and domestic critics. Four major chapters review U.S. actions in four conceptual areas. The chapter titled "Security in Europe" explores principles such as soverign equality, inviolability of frontiers, and non-intervention in internal affairs. It also examines aspects of military security. The chapter titled "Human Rights" covers political and civil rights, social and economic rights, women's rights, and religious liberty. The chapter on economic and scientific cooperation explores implementation in areas of commercial exchange, industrial cooperation, environment, and science and technology. The chapter on cooperation in humanitarian and other fields examines reduced restrictions on individual travel, radio broadcasts, and cultural and educational exchanges. A conclusion and appendices are included. (Author/AV)

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FULFILLING OUR PROMISES:
THE UNITED STATES AND THE HELSINKI FINAL ACT

A Status Report

SO 012 372

Compiled and Edited by the Staff
of the Commission on Security and Cooperation in Europe

Washington, D.C.

November 1979

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CHAPTER ONE

OVERALL INTRODUCTION

Background on Commission

The Commission on Security and Cooperation in Europe (CSCE), an independent advisory agency, was created by Public Law 94-304, signed June 3, 1976. The legislation, sponsored by Rep. Millicent Fenwick and Sen. Clifford P. Case, "authorized and directed the Commission to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Cooperation in Humanitarian Fields."

Chaired by Rep. Dante B. Fascell and co-chaired by Sen. Claiborne Pell, the Commission is composed of six members of the Senate, six members of the House of Representatives and one member each from the Departments of State, Defense and Commerce.

Commission's Record on Domestic Compliance

The leaders of 33 East and West European nations, Canada and the United States, met in Helsinki, Finland, in August of 1975 to sign the CSCE Final Act. The comprehensive document contains numerous cooperative measures aimed at improving East-West relations. Equally important is the pledge each participating nation made to respect human rights and fundamental freedoms of its citizens. While the Final Act is not a legally binding agreement, it has, as former President Gerald Ford pointed out prior to his departure for the Helsinki summit, "important moral and political ramifications."

The Commission has continuously monitored the implementation record of the U.S. as well as the records of other countries which signed the Final Act. Previous Commission reports have assessed the U.S. compliance effort and made recommendations to improve it. The Commission's first major compliance report -- "Implementation of the Final Act of the Conference on Security and Cooperation in Europe: Findings and Recommendations Two Years After Helsinki" -- contains an even balance of recommendations for domestic and foreign action. Through its hearings on a variety of CSCE subjects and through contacts with a wide range of private groups and individuals, the Commission has maintained a continuing interest in the U.S. compliance record.

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Origins of this Report

In addition to its routine monitoring of U.S. performance, the Commission felt a major study devoted exclusively to evaluation of the U.S. record of compliance with the Helsinki accords was needed for several reasons. The first reason stems from the results of the first CSCE review meeting held at Belgrade, Yugoslavia, from October of 1977 to March of 1978. At Belgrade, the U.S. took a strong stand in favor of compliance with all the provisions of the Final Act, especially in the area of human rights. The head of the U.S. delegation at Belgrade, Justice Arthur Goldberg, repeatedly called for an honest accounting by all participants. At the same time, he candidly acknowledged U.S. shortcomings and urged open discussion concerning the records of all 35 CSCE states. Several participants resisted charging the U.S. with posturing and claiming that such an examination would be tantamount to interference in internal affairs -- allegedly in violation of Principle VI of the Final Act. However, as the meeting progressed, there was growing support for the concept that the obligations of each CSCE state were the legitimate concern of all the others. Even the staunchest critics of this idea, while continuing to ignore criticisms of their own performance, eventually undermined their own argument by directing highly polemical attacks against the U.S. record. The Commission felt that to insure the long-term success of the CSCE process, the U.S. should make a special effort in the post-Belgrade period to demonstrate its good faith by taking an honest, comprehensive look at its own performance.

A second reason for this report is the growing interest in U.S. CSCE implementation of private civil rights and other groups in the United States. Since the Belgrade meeting at least two private Helsinki Watch organizations have been formed, one in New York and one in Washington, D.C. Both have ties to a number of prominent civil rights groups. These organizations, which are really U.S. counterparts to such groups of private citizens as the beleaguered Helsinki Monitors in the Soviet Union and the Charter '77 in Czechoslovakia, devote considerable effort to monitoring U.S. compliance with the Helsinki Final Act, especially in the area of human rights. Other private groups with a more peripheral interest in CSCE also have shown increasing interest in the U.S. implementation record.

President Jimmy Carter's strong interest in seeing that the U.S. maintains and improves upon a record of compliance second to none is a third reason for this report. In his semi-annual reports to the Commission, the President has repeatedly called for renewed efforts to strengthen U.S. implementation. To provide additional force to his words, President Carter, in December of 1978, took the unprecedented step of directing some 20 federal agencies to cooperate closely with the Commission and the Department of State in monitoring and encouraging U.S. compliance with the Final Act.

Preparation of this Report

The Commission assigned a major portion of its staff and resources to examining the U.S. record. Lacking detailed knowledge in many of the specialized areas covered by the Final Act, the staff was obliged to turn to outside expertise. The Commission was assisted by a wide range of government agencies whose responsibilities are related to fulfilling the promises of the Final Act. The Commission also contacted a number of reputable private organizations with interest in, and knowledge about, various Final Act provisions. In April of 1979, the Commission held three days of hearings on domestic compliance and called as witnesses representatives from the two Helsinki Watch organizations and high-level officials of several key government agencies. These hearings provided valuable information for the report.

Statements submitted by private organizations and individuals about alleged human rights violations in the U.S. have been another source for our efforts to monitor the Final Act. These cover a broad spectrum of complaints ranging from charges of unfair personnel practices at the State Department and the Library of Congress to accusations concerning political and economic persecution and police harassment. The Commission detailed many of these in the report while other charges were reviewed directly with the parties involved.

Framework of the Report

The report evaluates in detail U.S. implementation of the Final Act by responding to allegations of U.S. shortcomings from other signatories and private groups and by giving an account of positive achievements in both the governmental and private spheres. Particularly close scrutiny was used in examining U.S. compliance with the human rights provisions of Principle VII -- civil and political as well as economic and social areas. The U.S. record in this area has been frequently criticized.

During Commission hearings, CSCE Chairman, Rep. Dante B. Fascell, pointed out the significant difference between the U.S. effort and that of other countries, "this is the first time that any of the 35 Helsinki states has taken a thorough, objective look at its own performance record, taking into account criticism by other CSCE signatories and private domestic monitoring groups." In contrast, other reports have been generally self-serving accounts, purporting to show how well a particular country has implemented the Final Act but ignoring outside criticism. The Commission feels, however, that each CSCE country is responsible to the others for its implementation record.

This report follows the structure of the Final Act by discussing, in order, each major section or "basket" of the Act. Basket I deals with questions relating to security in Europe which includes Human Rights; Basket II, economic and scientific cooperation; Basket III, cooperation in humanitarian and other fields.

Sources of Criticism

The main sources of criticism used in this report were the comments made by other CSCE countries at the Belgrade review meeting and in their press and publications. The comments of U.S. domestic groups and individuals also have been included. Because many accusations are repeated in several sources, no attempt has been made to acknowledge each and every source but only to address the accusations made. Furthermore, while the report attempts to respond to all the criticism that has come to our attention, there are instances where the nature of the criticism was so vague or so patently propagandistic that a response was either impossible or unwarranted. Nevertheless, our general policy was to take most criticisms seriously and to respond to them in the same vein.

In addition to press comment and statements made by CSCE states, some of the sources for this report were the following:

Look Homeward, Jimmy Carter
The State of Human Rights, USA
Prepared by the Communist Party, USA - October, 1978

USA - The Secret War Against Dissidents
Novosti Press Agency - Moscow, 1978

Bourgeois Democracy and Human Rights
USSR Academy of Sciences - Moscow, 1978

Report of the Helsinki Human Rights Compliance
Committee of the United States - San Francisco, 1978

Further, the Commission has relied extensively on the statements and other materials submitted by the two Helsinki Watch groups at the April domestic compliance hearings.

General Guidelines

When reading and evaluating the report, certain general guidelines used in its preparation should be taken into account.

-- Neither the U.S. nor other signatories can be held responsible for violations which occurred prior to the signing of the Final Act. The report does not address pre-Helsinki developments except as necessary for reasons of continuity.

-- Only criticisms which fall under the provisions of the Final Act and which relate to the 35 signatory countries have been considered. No matter how we may feel personally about other alleged injustices, the mandate of the Commission is restricted solely to monitoring implementation of the Helsinki accords. At the same time, we have adopted a liberal interpretation of the language of the Final Act and have included some subjects which arguably could be excluded. By the same token, certain areas of criticism have been excluded as not falling under the terms of the Final Act. For example, the report does not address the problems of foreign migrant workers because the Final Act clearly refers to such workers only in the context of movements between CSCE countries in Europe. Likewise, the difficult and growing problem of illegal aliens in the U.S. is not treated because there is no apparent basis for it in the Final Act. The Commission maintains an open mind on these questions and is prepared to revise its views on the basis of convincing evidence to the contrary.

-- In evaluating U.S. performance, the report operates on the principle that the Final Act does not demand or expect instantaneous compliance with every provision. Instead, the participating countries regard compliance as a long-term process of gradual improvement. Consequently, trends toward greater or less compliance are more important than a given situation in a particular area.

-- In evaluating U.S. implementation we have relied to a great extent on information from federal agencies whose responsibilities generally or specifically related to Final Act compliance.

-- The report focuses on U.S. compliance efforts and deliberately avoids comparisons with other CSCE states except in a few instances to provide perspective.

-- The report treats the U.S. as responsible for compliance with United Nations human rights covenants referred to in the Final Act even though the U.S. has signed but not ratified these covenants and therefore is not legally bound by them.

-- Because problems faced by minority groups such as blacks and Hispanics occur in a wide range of areas, questions raised about them are covered in a number of sections of the report. These include political participation, persons in confinement, health, education, employment and housing.

-- American Indians have been discussed separately for two reasons. First, the Commission received a great deal of criticism from foreign sources about the status of Indians in the United States. Second, while Indians are a racial minority, Indian tribes are also recognized in the U.S. Constitution as distinct political entities.

-- The report also contains a separate section on women because they represent a majority of the U.S. population -- 51.3 percent -- yet still have not been accorded many of the same rights which men have long taken for granted.

-- Limited time and resources have obliged the Commission to concentrate primarily on criticisms which were brought to its attention.

Purposes of the Report

The Commission has three main purposes in preparing this report. First, it hopes to demonstrate the good faith of the U.S. in assessing its Helsinki implementation record in light of criticisms from other CSCE countries and domestic critics. Second, the Commission hopes to stimulate honest implementation evaluations by other CSCE states and thus to lay the groundwork for real progress prior to the next review meeting at Madrid in 1980. Finally, the Commission hopes to encourage improved compliance by the United States. Although the Commission agrees with President Carter that the U.S. record is very good, additional discussion and interaction between responsible government agencies and interested private organizations is a necessary prerequisite to greater progress.

Judging from the past record, we fully expect that parts of this report will be used by certain other CSCE participants to criticize and attack the United States in an effort to divert attention from or avoid discussion of their own lack of compliance. This has been the standard technique employed by certain countries in their propaganda over the years. The Commission is prepared to accept this tactic. We believe that the openness of U.S. society, as exemplified by this report, is a strength which transcends any possible advantage which others may hope to gain from it.

Finally, the Commission wishes to express appreciation to all who cooperated in the preparation of this report. Monitoring U.S. compliance with the Helsinki Final Act will be a continuing Commission priority.

The Commission welcomes comments and suggestions on the report.

CHAPTER TWO

SECURITY IN EUROPE

INTRODUCTION - BASKET I

The first section or "Basket" of the Helsinki Final Act, entitled "Questions Relating to Security in Europe," includes a Declaration on Principles Guiding Relations Between Participating States. A document on confidence building measures enumerates ways to strengthen confidence among the states and thus contribute to increasing stability and security in Europe.

The 10 Principles in the declaration are general restatements of accepted, normal international behavior, consistent with international law. The first six Principles in particular -- Sovereign Equality, Refraining from the Threat or Use of Force, Inviolability of Frontiers, Territorial Integrity of States, Peaceful Settlement of Disputes, and Non-Intervention in Internal Affairs -- are straightforward reaffirmations of what have long been accepted norms of international relations. Other principles -- notably Principle VII, Human Rights and Fundamental Freedoms; Principle VIII, Equal Rights and Self-Determination of Peoples; and Principle IX, Cooperation Among States -- are more complex. Unlike the others, these principles require a country to take positive, specific actions to bring about their implementation.

It has been U.S. policy to insist on the primary and equal significance of all the Principles, as set forth in the Final Act, and to resist any effort to invest the Principles with special political importance or to set them above the rest of the Final Act. The U. S. and the nations of Western Europe have also placed great stress on the section of the preamble to the Declaration of Principles which underlines that the 10 Principles guiding relations among states should be applied equally to all participating states without regard to their political, economic or social systems, or their size, geographical location or level of economic development. In other words, the U.S. Government has viewed the Declaration of Principles as a code of conduct guiding relations with all the participating states, not simply with friends and allies.

From the beginning, the Soviet Union and the East European states have interpreted and emphasized the Principles differently from the West. The entire Declaration, particularly its first four Principles, has been portrayed by the Soviets as the focal point of the entire Final Act, amounting in their view to a quasi-peace treaty ratifying post-World War II borders in Europe.

The general nature of most of these Principles makes it difficult to measure affirmative implementation action. Some Principles, notably numbers I, VI and X (Fulfillment in Good Faith of Obligations Under International Law), are implemented daily in the course of normal diplomatic dealings. Others, especially VII, basically reinforce already existing commitments to internationally accepted standards of behavior. Given the attention that CSCE states have devoted to Principle VII, it will receive special treatment in a separate section of this report.

PRINCIPLES

Principles I, II, III, IV, V and VI

At various times, individual CSCE states have accused the U.S. of violating one or more of Principles I through VI. The fundamental theme running through the allegations is the contention that the U.S., in one way or another, interfered in the political, economic and social systems of other countries including its allies. Often this criticism has focused on alleged efforts to prevent European states from evolving peacefully from capitalism to socialism and especially to communism.

In making these allegations, critics frequently charge the U.S. has violated some provision of the Final Act. This tactic appears to be a propaganda tool because, in many instances, the provisions of the Final Act are not involved at all. For example, recently the Soviet press seized on a study by the private Brookings Institute to allege that the U.S. had repeatedly violated Principle II by threatening to use force in its relations with other countries. Whatever the merit of these charges, the accusation conveniently ignored the fact that all the material cited in the Brookings study predates the signing of the Final Act. In a similar vein, the U.S. has been censured for threatening to use force against Uganda, Angola and Zaire, and for blatant interference in the post-Shah developments in Iran and Afghanistan. Again, the truth of these allegations aside, they clearly are not covered under the Final Act which is restricted to the territory of the 35 signatories.

Other allegations of U.S. violation of one or more of Principles I through VI at least have a better foundation in the Final Act even if the allegations themselves are unsubstantiated. In this category are charges that the U.S. has intervened in the elections and other areas of internal affairs in two CSCE states, Portugal and Spain, in violation of Principle VI. The same accusation has been made with respect to Italy, where the "undisguised pressure" of the U.S. allegedly aims at keeping the Communist Party out of power. What the authors of these charges neglect to say is that none of the countries involved has itself alleged U.S. intervention in its internal affairs. Furthermore, there is no substantiated outside evidence offered to support such claims.

In another area, some sources have accused the U.S. of pressuring other NATO governments to increase their budgets to help finance an early warning system for NATO, hardly a violation of the Final Act, even if true. Nor is the presence of U.S. bases on NATO soil a violation of the Helsinki Final Act, contrary to charges.

Frequently, critics charge that the U.S. violated one of the Principles when dealing with the Soviet bloc. It is claimed that official U.S. refusal to recognize the incorporation of the three Baltic States into the Soviet Union, and governmental sponsorship of a "captive nations week," violate the principle of territorial integrity of the Soviet Union. In continuing its policy of non-recognition of the forcible incorporation of the Baltic States, the United States has been guided by basic principles of international discourse which have become fundamental principles of the Final Act, particularly the territorial integrity of states, the sovereign equality and individuality of states, refraining from the threat or use of force, inviolability of frontiers and equal rights and self-determination of peoples. In particular, the final sentence of Principle IV, Territorial Integrity of States, which states that no occupation or acquisition will be recognized as legal can and should be interpreted to refer not only to present or future occupations, but also to those which may have been taken in the past. President Ford emphasized this point at the time of the signing of the Helsinki Final Act, when he declared that "the United States has never recognized the Soviet incorporation of Lithuania, Latvia and Estonia and is not doing so now. Our official policy of nonrecognition is not affected by the results of the European Security Conference."

Repeated references are also made to the "aggressive designs" of the U.S. and NATO, with the maintenance of U.S. military bases and troops in Europe interpreted as an effort to pressure the Soviets and their allies by surrounding their borders with military forces. However, U.S. military presence in Western Europe is not specifically proscribed in the Final Act and is merely symptomatic of the unsettled status of East-West relations, a condition which hopefully will be resolved through further implementation of CSCE provisions.

In signing the Final Act, the U.S. as well as all the other participating CSCE states reconfirmed political principles to guide efforts for a more secure world. As far as the Commission has ascertained, U.S. relations with the other European signatory states have clearly reflected adherence to these principles. There is no evidence to show that the U.S. has failed to respect the sovereignty of any other signatory state, nor has it been demonstrated that the U.S. in any way has threatened or used force against the frontiers or territorial integrity of any state in Europe since the signing of the Final Act.

Allegations such as those made about U.S. military presence in, or pressure on, Western Europe are equally spurious and unrelated to the Final Act. The U.S. is a member of a military alliance together with 13 nations in Europe plus Canada. Its cooperation with them in the military field is strictly governed not only by the rules of the alliance but also by a whole complex of bilateral treaties and agreements. Activities which take place, military or otherwise, on the territories of any NATO country occur with the full agreement and knowledge of all the countries concerned.

Allegations of violations of Principle VI, Non-Intervention in Internal Affairs, have also been raised in another context. The Eastern countries have repeatedly cited this Principle when complaining about alleged Western, especially U.S., preoccupation with the human rights provisions of the Final Act. Western concern with alleged Soviet and East European violations of the human rights Principle (VII) and the human contacts and information provisions of Basket III, it is argued, amounts to overt interference in Soviet and East European domestic affairs.

It has long been the U.S. and Western position that the language of Principle VI on non-intervention in internal affairs clearly is aimed at armed intervention and terrorism and does not preclude questions concerning the fulfillment of commitments by the signatory states.

For the U.S., the experience since the signing of the Final Act has vividly demonstrated that respect for human rights and fundamental freedoms, set forth in Principle VII, has become a legitimate subject for diplomatic discourse. The Soviets themselves, at the CSCE Belgrade review meeting, gave at least tacit support for this idea by raising questions about alleged political prisoners in the U.S. Furthermore, it is generally accepted that human rights, embodied in such documents as the United Nations Charter, the Universal Declaration of Human Rights and the Final Act, have become an accepted topic of international concern. Consequently, there is a broad and growing international consensus that a state now has a general right to raise questions about the fulfillment by another state of international commitments which both have undertaken.

Principle V

Peaceful Settlement of Disputes

Principle V, while directly linked in nature and intent with the first four Principles, deserves separate attention for it was the subject of a special meeting of experts, held in Montreux, Switzerland, from October 31 through December 11, 1978. The meeting, mandated by the Belgrade conference and the Final Act, was organized to pursue the examination and elaboration of a method for peaceful settlement of disputes. The Montreux meeting marked the continuation of an effort begun in the Basket I Committee during the Geneva phase of the CSCE negotiations. While no substantive progress towards a peaceful settlement scheme was made at Madrid, participating states were able to agree to a statement of principles setting forth the basis of a common approach to the problem. Negotiators also recommended to their governments that they consider at the Madrid review meeting the possibility of convening another meeting of experts to continue work on the subject.

The U.S. and the other Western nations have traditionally subscribed to the tenet that states should use all means at their disposal, including negotiations, inquiry, mediation, conciliation, arbitration and judicial settlement to resolve their disputes by peaceful means. At the Montreux meeting, the U.S. strongly supported this approach to peaceful settlement. Even though the narrower, more restrictive views of certain other CSCE states limited the progress achieved, the prospects for development of a broad, generally-accepted method are still alive.

Principle VIII

Equal Rights and Self-Determination of Peoples

The United States was founded on the principle of self-determination of peoples. As a nation of immigrants, most of its population is derived from the European backgrounds of most of the other participating states. Many Americans also came from African and Asian backgrounds. These diverse peoples and their descendants today are able to maintain their links with their places of origin as well as to express their ethnic interests and ethnic awareness through a wide variety of associations and organizations throughout the U.S.

The U.S. has not, however, been immune to criticisms related to Principle VIII. These relate primarily to the status of the Commonwealth of Puerto Rico and of the United Nations strategic trust known as the Trust Territory of the Pacific Islands (Micronesia) over which the United States has administering authority. In international forums, critics have alleged that the U.S. has refused to permit the peoples of the Commonwealth and the Trust Territory to exercise their rights of self-determination to become independent. The wording of the International Covenant on Civil and Political Rights clearly states that people may be considered to be self-determining if they have the right to determine freely their political status and to freely pursue their economic, social and cultural development. According to this definition, independence is consistent with the concept of self-government, but is not the only form that self-government may take. The evidence shows that the majority of the people living in Puerto Rico and Micronesia do not seek independence. Instead, they have opted for alternative forms of self-government -- namely, commonwealth and free association status.

Puerto Rico: The Commonwealth

Puerto Rico's status has become a problem. It has existed as a U.S. commonwealth since 1952, an arrangement which at the time was overwhelmingly accepted by the people of that island. Under this arrangement, Puerto Ricans elect their own government but do not vote for the President, Vice-President or Members of Congress, nor do they pay federal income taxes. A 1953 U.N. resolution confirmed this status, concluding that Puerto Rico was self-governing, and that the U.S. would no longer have to make reports on the island to the U.N. Committee on Information from Non-Self-Governing Territories. The commonwealth system, as adopted, represented a middle ground between statehood and independence. From the beginning, however, it was apparent that the formula had built-in limitations, resulting from uncertainty as to the degree of actual autonomy and the precise areas of Puerto Rican jurisdiction.

A joint U.S.-Puerto Rico Status Commission created in 1964 to deal with the continuing problem of status recommended a plebiscite on the question in 1967. Voters for commonwealth status received 60 percent of the vote and statehood received 38.9 percent. Those desiring independence totaled less than 1 percent. Although Puerto Ricans indicated an overwhelming preference for continued commonwealth status, it should be noted that only 65.9 percent of the electorate on this occasion voted as compared to a more usual 80 percent turnout.

Since 1967, no further referendum has been held. In the meantime, the status of Puerto Rico has become a matter of concern to many former colonies and certain other countries, which have alleged that Puerto Rico, despite its commonwealth status, remains, in fact, a colony of the U.S. For more than a decade, efforts have been made in the U.N. Decolonization Committee to add Puerto Rico to the list of territories which "have still not obtained their independence."

Partially in an effort to respond to this colonialism charge, President Gerald R. Ford, in December of 1976, suggested that the possibility of statehood should be reconsidered. This suggestion contributed to the already heated debate between those advocating continuing commonwealth status and those proposing statehood. Additionally, in the past few years there has been increased support by Puerto Ricans for either statehood or independence. Pro-statehood sentiment in general seems to be on the rise on the island as the best way to deal with growing economic and political difficulties.

Given the divisions in Puerto Rican sentiment, President Carter, in July of 1978, stressed his support for Puerto Rican self-determination. He pledged that whatever status Puerto Ricans choose, "it will be yours." To give impetus to the drive for self-determination, a new plebiscite is scheduled for 1981 in which the choices will include statehood, modified commonwealth status or independence.

Whatever the outcome of the status debate, the United States and Puerto Rico will likely remain closely connected. While Puerto Rico has remained close to its Latin American roots, it has become heavily intertwined with U.S. society over the past 75 years. An estimated two million people born in Puerto Rico or of Puerto Rican descent live in the 50 states and more than a million American citizens, both Puerto Rican and non-Puerto Rican, travel between the island and the mainland each year. Trade between the mainland and Puerto Rico now equals more than $5.6 billion a year. To help Puerto Rico overcome its present economic difficulties, President Carter has recently appointed an interagency task force, headed by the Secretary of Commerce, to examine ways to spur economic recovery. In announcing the Committee, the President emphasized that it will not deal with the status question. This will remain an issue for the Puerto Rican people themselves to resolve.

Micronesia: The Trust Territory of the Pacific Islands

The U.S. administration of the U.N. stragetic trust, the Trust Territory of the Pacific Islands (Micronesia) -- the only remaining trusteeship of the 11 originally created by the U.N. -- is covered in the Helsinki Final Act under Principle VIII on Equal Rights and Self-Determination of Peoples, and Principle X on Fulfillment in Good Faith of Obligations Under International Law.

Administering authority over the Trust Territory -- consisting of three major archipelagoes: the Marianas, the Marshalls and the Carolines -- was put in U.S. hands in 1947 following World War II by means of a Trusteeship Agreement with the United Nations. The Trusteeship Agreement with the United States sets forth four major goals for the U.S. to pursue in

Micronesia: (1) to foster the development of political institutions in the Territory "toward self-government or independence as may be appropriate to the particular circumstances...and the freely expressed wishes of the peoples concerned..."; (2) to promote the economic advancement and self-sufficiency of the inhabitants; (3) to promote the social advancement of the inhabitants and, to this end, protect their rights and fundamental freedoms; and (4) to promote their educational advancement.

The U.S. has stated its intention to terminate its trusteeship authority over the Territory by 1981 -- a policy that has been endorsed by the U.N. Trusteeship Council. Before U.S. administrative authority over the islands can be ended, however, the Micronesian people themselves must freely determine their political status.

Critics have questioned whether or not the U.S. has sufficiently prepared the approximately 110,000 inhabitants for self-government in the Post-Trusteeship period.

Present Conditions in the Trust Territory

In May of 1979, the U.N. Trusteeship Council appointed a drafting committee to prepare a report on conditions in the Trust Territory for the period June 1978 to June 1979. On June 15, 1979, the Council adopted, with some oral amendments, the report of the drafting committee. The report presented a generally favorable assessment of U.S. administration in Micronesia for that time period, but also indicated areas where improvements are needed.

On the negative side, the Trusteeship Council noted that Micronesia's economy does not provide sufficient funds to meet its administrative and social expenditures, creating an economic dependency on the U.S. At the same time, the Council cited various efforts underway to improve the viability of the Territory's economy through tariff preferences, multi-year development plans, capital improvement projects, assistance from international institutions and other countries, exploitation, management and conservation of island resources, expansion of agricultural and livestock production; and expansion of tourism. The Council found that transport and communications continued to be a serious problem, but acknowledged that U.S. performance has improved in this sphere.

The Trusteeship Council noted that progress has been made in strengthening the health and hospital infrastructure in

Micronesia. The Council referred to the welfare of the displaced people of Bikini and Enewetak[1] atolls and of the radiation fallout victims from Rongelap and Utirik.[2] The Council acknowledged that the U.S. has recognized its humanitarian obligation to these people and has provided them with financial compensation for the loss of property, regular medical examinations and treatment for the radiation victims.

A continued concern for the Council has been unemployment and the imbalance between wage-earners employed in the public sector and those employed in the private sector. The Council was satisfied with provisions made by the U.S. Government for housing development, rent subsidies for lower income families and home ownership loans. The Council reaffirmed its satisfaction with the excellent record of the U.S. administering authority in the field of education and noted that there is an increasing number of post-graduate students in the Territory, that loans and grants for higher education are being made available by the U.S. Government and international institutions, and that grammar textbooks and dictionaries have been completed in seven Micronesian languages.

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1. In 1946, the population of the Marshallese islands of Bikini and Enewetak were evacuated to other atolls so that the U.S. Government could conduct atomic bomb tests in the area.
   After several radiological surveys were taken in 1966 and 1967, the U.S. Government determined that once clean-up and rehabilitation procedures were completed, the Bikinians would be able to return to their home atolls. The rehabilitation and resettlement program was begun in 1970 and was to be implemented in increments over a seven-year period. By 1977, 145 Bikinians had returned to take up settlement in advance of the main group of their fellow evacuees. Regrettably, continuously monitored radiation indicators began to show higher than expected levels of radiation exposure of the Bikinians. Consequently, in late 1978, those who returned had to be reevacuated from the island. The people of Bikini have received several ex gratia payments totalling six million dollars for the use of their island. The U.S. has pledged to find acceptable relocation sites for them since Bikini will not be usable for agriculture or habitation for another 30 to 40 years. The Bikinians who were reevacuated will periodically be monitored to detect their body content of radioactivity.
   The people of Enewetak will be returning to their island in the spring of 1980, once precautions have been taken to minimize exposure to radiation. They have received ex gratia payments to compensate them for the use of the property.
2. In 1954, 86 Marshallese from Rongelap and 158 from Utirik were accidentally exposed to radiation fallout.

Additionally, the Council mentioned that legislation (H.R. 3756, Section 102) authorizing 50 percent payment by the U.S. on an *ex gratia* basis of the outstanding war claims without making the payment contingent on a comparable gesture by the Japanese Government, was passed by the House and is now before the Senate for consideration. It is reemphasized that these claims are *ex gratia,* for under the principles of international law, such claims are not compensable on purely legal grounds.

Planning for the Post-Trusteeship Period

In advance of the trusteeship termination, constitutions have been adopted by the Northern Mariana Islands, the Federated States of Micronesia and the Marshall Islands, and one is in the process of being adopted by Palau. The constitutions are to be put into practice by newly-elected governments. Until such time as the trusteeship has ended, these transitional governments will have control of the day-to-day administration of the islands. Their jurisdiction will be limited only by the requirements of the U.N. Charter, the Trusteeship Agreement and other U.S. treaties, laws and regulations applicable to the Trust Territory, pursuant to the Trusteeship Agreement.

The U.S. has been criticized by some Micronesians, and a CSCE member of the Trusteeship Council, for politically fragmenting the Micronesian Islands in contravention of the U.N.'s policy of favoring preservation of the territorial integrity of all trust and non-self-governing territories during the course of decolonization.

The criticism is based on these facts:

(1) The Northern Mariana Islands had adopted their own constitution in January of 1978. Palau, the Marshall Islands and the Federated States of Micronesia (the districts of Kosrae, Yap, Ponape and Truk) emerged as separate political entities from the U.N.-observed constitutional referendum of July 12, 1978.

(2) The Northern Mariana Islands have opted for Commonwealth status in political association with the U.S. once the Trusteeship Period has ended, whereas the other islands have chosen the status of "free association."

Critics assert that these diverse political arrangements were caused by the uneven development policy that the U.S. pursued in Micronesia for stategic reasons. However, the U.S. Government claims -- and the Trusteeship Council agrees -- that it has followed a policy designed to foster unity among all the districts of the Territory during the Post-Trusteeship period. The Trusteeship Council is satisfied that the peoples of the islands were freely exercising their right to determine for themselves their internal and external forms of government when they created these separate governments and plans for different post-trusteeship relationships with the U.S.

In April of 1978, at Hilo, Hawaii, a statement of eight agreed principles was signed by the political status commissions of the Federated States of Micronesia, the Marshall Islands and Palau. The statement established the conceptual foundation upon which a free association relationship with the U.S. in the Post-Trusteeship period is to be built. The final agreement on free association will be put to a U.N.-observed plebiscite. Many practical questions need to be answered before the free association agreement can be finalized. The Trusteeship Council holds the view, however, that free association is a governmental option that is not incompatible with the Trusteeship Agreement, provided that the populations concerned have freely accepted it.

The point at which the Security Council should be brought into the termination process of U.S. trusteeship over the Territory is a subject of some controversy. Micronesian spokesmen and a CSCE member of the Trusteeship Council have argued that the Security Council should be consulted during the above-mentioned preparatory stages in the termination process so that, prior to termination, it can review the separation of the Northern Mariana Islands, the emergence of the three different governments for the other Micronesian districts and other related political developments.

On this point, the U.N. Charter provides that:

> "All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, should be exercised by the Security Council."

In addition, the Charter states that:

> "The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security consideration, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas."

Shortly after the Security Council gave the U.S. the task of administering the strategic trust territory of Micronesia, it delegated to the Trusteeship Council all functions except those relating to security and any future alterations of the Trusteeship Agreement.

The U.S. has reported on preparations being made for termination of the Trusteeship to the Trusteeship Council, which, in turn, has been reporting to the Security Council. Moreover, the U.S. has stated its intention to take up, at the appropriate time, the matter of termination with the Trusteeship Council and the Security Council.

Assessment of U.S. Compliance

After weighing the criticisms of U.S. administration of Micronesia against the significant progress that has been made, the Commission concludes that the U.S. stands in essential compliance with the CSCE Final Act regarding the Trust Territory of the Pacific Islands.

Clearly the U.S. has made progress in discharging its obligations toward Micronesia, but additional steps will be taken to ready the islands to meet the challenge of self-government in 1981. The establishment of a Congressional Subcommittee on Pacific Affairs will help to focus attention on the special needs of Micronesians during the present time of transition and in the Post-Trusteeship period. The Covenant on Commonwealth with the Northern Mariana Islands and the Hilo Agreement with the other Micronesian governmental entities provide that the U.S. moral commitments to the islands will not be terminated along with the trusteeship in 1981. The approaching termination date will not cause any relaxation in the implementation of extensive capital development projects in the Territory; rather, the next two years should witness an intensification of U.S. efforts to bring the Territory nearer to the point of self-sufficiency by the date of termination.

Principle IX

Cooperation Among States

This far-reaching Principle calls upon the participating states to endeavor "to promote mutual understanding and confidence, friendly and good-neighborly relations among themselves..." The Principle is directly related to specific provisions in Baskets II and III in that it also calls upon CSCE nations to improve the well-being of their peoples by increasing mutual knowledge and progress in the economic, scientific, technological, social, cultural and humanitarian fields.

A significant act consistent with the spirit of Principle IX took place in January of 1978 when the United States formally returned to Hungary the historic crown of St. Stephen which had been passed to the U.S. for custody during the closing months of World War II. The return of this crown, the symbol of the Hungarian nation for centuries, undoubtedly helped contribute to the development of normal and friendly relations between the U.S. and Hungary.

Many other examples of concrete cooperation and exchange between the U.S. and other signatory states, in specific fields such as science, education and culture, are contained elsewhere in this study. In addition, high level political contacts with each of the participating states has continued as a normal aspect of international diplomacy. U.S. Congressional delegations in the past year have visited numerous signatories. Joint delegations, composed of members of the State Department and the CSCE Commission staff, have visited Poland, Bulgaria, the German Democratic Republic, Romania, Hungary, Finland, Yugoslavia, Austria, Spain and Sweden, for wide-ranging bilateral discussions on CSCE implementation.

Principle IX also confirms that "governments, institutions, organizations and persons have a relevant and positive role to play" in contributing towards the goals of the Final Act. In the U.S., as in other participating states, groups of private citizens have taken upon themselves the task of monitoring the compliance of their governments with the provisions of the Final Act. Unlike the situation in some countries where members of these groups have been persecuted and imprisoned, in the U.S. they have come to play an increasingly important and active role in stimulating public and governmental awareness of shortcomings in the U.S. implementation record.

Two groups in particular have recently become very active in calling attention to human rights shortcomings in the U.S. The U.S. Citizen's Committee to Monitor the Helsinki Accords, based in New York, consists of a board of 46 prominent citizens from a wide variety of professions and backgrounds. Like the Commission, this organization seeks to monitor compliance in all the signatory states, and devotes particular attention to human rights concerns. It has a close working relationship with a number of representative civil rights organizations.

The Washington Helsinki Watch Committee for the U.S., on the other hand, serves as an umbrella organization for a wide assortment of constituent human rights-related groups, including the National Urban League, the Indian Law Resource Center, the Lawyers' Committee for Civil Rights Under Law Alien Rights Project, the Movement for Economic Justice, Micronesia Legal

Services and the ACLU National Prison Project. It appears that this group will focus almost exclusively on the U.S. compliance record, especially in the human rights area.

These groups were given the opportunity to testify during the Commission's three days of hearings on domestic compliance in April of 1979, and were invited to submit reports which have been taken into consideration in the formulation of this study. The Commission will continue to listen to these citizens' groups and to offer them a public platform to voice their concerns about U.S. compliance with the Final Act. The right of individual citizens to speak their minds freely and without fear of recrimination offers the best guarantee that CSCE governments will make a maximum effort to live up to their Helsinki commitments. To silence these voices is to commit the gravest violation of all.

Principle X

Fulfillment in Good Faith of Obligations Under International Law

Principle X obligates the participating states to fulfill in good faith their obligations under international law, while at the same time paying due regard to and implementing the provisions of the Final Act. The U.S. has been criticized for two actions which relate to this Principle: the November of 1977 decision to withdraw from the International Labor Organization (ILO) and the September of 1978 action by Congress which placed restrictions on funds appropriated for U.S.-assessed contributions to U.N. agencies, prohibiting their use for technical assistance activities.

The decision to withdraw from the ILO, while it has drawn criticism from various quarters, in no way violated obligations under international law and thus cannot be considered a violation of the Final Act. A letter from then Secretary of State Henry Kissinger to the director of the ILO was sent in November of 1975 pursuant to Article I, Paragraph 5 of the Constitution of the ILO which says that a member may withdraw provided that a notice of intention to withdraw has been given two years earlier, and that all financial obligations have been met. In his letter, Secretary Kissinger elaborated the reasons which motivated the decision to withdraw: the erosion of tripartite representation within the organization (consisting of representatives of workers, employers and governments) in favor of the domination of governments; selective concern for human rights in some member states and not others; lack of objectivity in the examination of alleged violations of human rights; adoption of resolutions condemning particular member states in disregard for established procedures; and finally the increasing politicization of the ILO, leading to involvement in political issues beyond the competence and mandate of the organization.

U.S. withdrawal from the ILO took place in November of 1977, two years after the required notification by Secretary Kissinger. At the time, President Carter reiterated that the "U.S. remains ready to return whenever the ILO is true again to its proper principles and procedures." A cabinet-level committee, now headed by Secretary of Labor Ray Marshall, continues to follow ILO developments closely. The last cabinetlevel committee meeting announced in April of 1979 that favorable developments at the June annual ILO meeting could lead to U.S. reconsideration of its withdrawal.

Another criticism which has been leveled at the U.S. in this regard is that it has ratified only seven of the 153 ILO conventions. These conventions deal with various aspects of labor management problems either setting forth general responsibilities in specific areas or calling upon member states to pass certain laws and regulations establishing basic standards of conduct.

Although it emphatically does not constitute a violation of the Final Act, it is true that the U.S. has only ratified seven ILO conventions. Furthermore, other aspects of the problem need to be considered. In many cases, the U.S. federal system makes it difficult to ratify these conventions, since authority in many labor management areas in the U.S. is left to the states. Federal action is not permitted in these areas. Recently, consideration is being given to whether the U.S. should sign other ILO conventions, if and when conditions are ripe for re-entry into the ILO.

In passing the State Department's appropriation for Fiscal Year 1979, Congress adopted an amendment deleting from the President's budget a requested 27.7 million dollars -- the approximate U.S. share of U.N. technical assistance activities financed by assessed contributions. The amendment also specified that, of the total funds appropriated, "no part may be made available for the furnishing of technical assistance by the U.N. or any of its specialized agencies."

In signing the 1979 State Department appropriation bill, President Carter indicated his strong opposition to the restrictive amendments. He said the law would impair the financial and political viability of the U.N. agencies and "is contrary to the policy of collective financial responsibility of the

United Nations system." He said he would recommend to Congress that the prohibitory language be removed and that the deleted funds be restored "so this Government can meet its clear obligations under the United Nations Charter and related treaties." The restricttions were rescinded in 1979 by the amendment proposed by Senator Claiborne Pell to Congress' 1980 State Department appropriations bill. In passing this bill, Congress thereby insured that the U.S. would again meet all of its financial obligations to the United Nations and be in full compliance with the provisions of Principle X.

MILITARY SECURITY

Introduction

The second half of Basket I of the Final Act deals with the military aspects of security, including specific but limited provisions designed to give practical meaning to the broad idea of security in Europe. The section consists of two main parts, one labeled confidence-building measures (CBMs), commits CSCE states to certain specific military-related actions in Europe. The other is a general pledge to further disarmament goals.

The Western countries, including the U.S., have believed from the outset of CSCE that precise if limited confidence-building measures, especially advance notification of military maneuvers and exchange of observers, can be the basis for establishing meaningful security in Europe. For this reason, it has been a fundamental policy of all NATO countries to fulfill both the letter and the spirit of the Final Act's CBM provisions. While all CSCE states have lived up to their minimal commitments in this area, the NATO countries have volunteered in many instances to go beyond this, and have taken the discretionary steps encouraged by the Final Act.

While no part of the Final Act is legally binding and CBMs are explicitly "voluntary," the political commitment contained in them is clear. Furthermore, the implementation record, which involves specific events and numbers, lends itself to objective assessment. From this point of view, the U.S. record of implementation of the CBM provisions of the Final Act is one of full compliance.

Notification of Major Maneuvers

Since the signing of the Final Act, the United States has been involved in 12 major military maneuvers which are covered under the rubric of CBMs. All were duly notified in conformity with the Final Act, that is, at least 21 days in advance of the maneuver. Of these, seven were exercises in which the U.S.

was the sponsor, and therefore, the notifying country, and six were exercises in which the U.S. participated and provided parallel notification. In all cases, all CSCE participants were notified of the existence of the exercises. Following is a list of major maneuvers in Europe of more than 25,000 men in which the U.S. has taken part since the signing of the Final Act:[3]

-- "Grosse Rochade," notified Aug. 22, 1975, by the FRG and the U.S. A 68,000-man exercise with the participation of Canadian and French forces which took place in Bavaria Sept. 15-19, 1975.

-- "Certain Trek," notified Sept. 10, 1975, by the FRG, with the U.S. sponsoring. A 57,000-man exercise with participation of French and Canadian elements in Bavaria Oct. 14-23, 1975.

-- "Grosser Baer," notified Aug. 16, 1976, by the FRG. A 50,000-man exercise with the participation of U.S., British and Dutch forces which took place in the FRG Sept. 6-10, 1976.

-- "Gordian Shield," notified Aug. 16, 1976, by the U.S. A 30,000-man exercise with participation of West German and Belgian forces in the FRG Sept. 7-11, 1976.

-- "Lares Teams," notified Aug. 23, 1976, by the U.S. A 44,000-man exercise with participation of West German and Canadian forces in the FRG Sept. 13-17, 1976.

-- "Carbon Edge," notified Aug. 23, 1977, by the U.S. and the FRG with the U.S. sponsoring. A 59,000-man maneuver held September 13-23 in Bavaria and Baden-Wurtemberg with the participation of Belgian, Canadian, Dutch and British forces. The U.S. invited observers.

-- "Standhafte Schatten," notified Aug. 22, 1978, by the FRG. A 38,000-man maneuver held in Hesse Sept. 12-17, 1977, in conjunction with U.S. troops.

-- "Blaue Donau," notified Aug. 24, 1978, by the FRG. A 46,000-man maneuver in which the U.S. participated, held Sept. 17-21 in the Southern part of the FRG.

-- "Certain Shield," notified Aug. 25, 1978. A 56,000-man maneuver with participation of four other allies, held Sept. 18-28 in the central part of the FRG.

-- "Saxon Drive," notified by the Netherlands Aug. 25, 1978. A 32,500-man maneuver with the participation of the U.S., held Sept. 18-29 in Hannover and Breven in the FRG.

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[3] A listing of those maneuvers in which the U.S. was the sponsoring country appears in Appendix I, Chart 1.

-- "Bold Guard," notified by the FRG Aug. 20, 1978. A 65,000-man maneuver with the participation of the U.S. and two other allies, held Sept. 19-22 in the northern part of the FRG.

-- "Certain Sentinel," sponsored by the U.S. and held Jan. 30-Feb. 6, 1979, with the participation of Canadian, FRG, Luxembourg, Netherlands and U.K. troops in the North Baden-Wurtemburg, West Bavaria area of the FRG.

Prior Notification of Other Military Maneuvers

Notification of maneuvers involving fewer than 25,000 men is optional but encouraged by the language of the Final Act: "the participating states...may also notify smaller scale military maneuvers to other participating states...." The U.S. has sponsored one notified smaller maneuver and has participated in 10 others. These include:

-- "Deep Express," notified August of 1975 by Turkey and the U.K. An 18,000-man exercise with the participation of the U.S., FRG and Italian forces which took place in the Aegean Sea and Turkish Trace Sept. 12-28, 1975.

-- "Atlas Express," notified by Norway in February of 1976. A 17,000-man exercise with the participation of the Allied Command Europe Mobile Force which took place Feb. 26-Mar. 22, 1976.

-- "Teamwork-76," notified by Norway in September of 1976. A 15,000-man exercise with the participation of the U.S., U.K. and Dutch forces which took place Sept. 22-24, 1976.

-- "Bonded Item," notified by Denmark Sept. 20, 1976. A 10,000-man exercise with the participation of FRG and U.S. forces which took place in the FRG and Denmark Oct. 11-21, 1976.

-- "Spearpoint," notified by the United Kingdom in October of 1976. An 18,000-man exercise with the participation of U.S. and Dutch troops which took place Nov. 8-12, 1976.

-- "Certain Fighter," notified by the U.S. April 7, 1977. A field exercise involving 24,000 U.S. personnel which took place May 1-8, 1977, in Hesse in the FRG.

-- "Arrow Express," notified by Denmark Aug. 28, 1977. An air/ground maneuver involving 16,000 men with participation of the U.S. and seven other allies, which took place Sept. 19-23, 1977, in Denmark.

-- "Blue Fox," notified by Belgium Aug. 22, 1977. A 24,000-man maneuver which was held Sept. 12-23 in Germany with the participation of the U.S. and FRG.

-- "Arctic Express," notified by Norway Jan. 30, 1978. A maneuver involving 15,300 men with air and naval support, with the participation of the U.S. and four other allies, which took place March 1-6 in the Troms region of northern Norway.

-- "Black Bear," notified by Norway, involving 8,200 ground and air personnel, which took place Sept. 22-26, 1978. Military personnel from the U.S., the Netherlands and the United Kingdom also participated.

-- "Cold Winter," notified by Norway, a 10,000-man maneuver involving ground and air troops which took place March 17-22, 1979, with participation of forces from the U.S., Canada, Netherlands and the United Kingdom.

Exchange of Observers

The Final Act does not require that observers be invited to every maneuver for which notification is given and there is no requirement that all CSCE signatories be included when invitations are extended. In general, however, NATO and other Western states have been more inclined than other CSCE states to invite observers more frequently and to extend their invitations to a larger number of countries.

The U.S. has thus far sponsored one minor and seven major maneuvers since the signing of the Final Act. In six instances of U.S.-sponsored exercises, the country which invited observers was not the U.S. but another nation in the NATO alliance. Observers from all CSCE nations were invited to five of these six maneuvers. The two maneuvers to which the U.S. invited observers were "Carbon Edge," in September of 1977, and "Certain Shield," in September of 1978. Representatives of all the CSCE states were invited. In all cases, the U.S. provided a broad range of opportunity for observers from the Warsaw Pact and neutral and non-aligned nations to witness and understand the exercises. They were provided with both fixed and mobile observation posts, binoculars, escorts, means of transportation, telephone liaison with their embassies, visits to the exercise area, contact with command posts and opportunities to ask questions.

Even when observers from all CSCE states are not invited to NATO-sponsored maneuvers, invitations are usually extended to a balanced and representative number of observers from each of the major groupings within CSCE. As the U.S. and other NATO states have gained experience in accommodating the needs of observers, the quality and frequency of the opportunities extended for observation during Western exercises have been markedly enhanced. Observers from the U.S. have usually attended the maneuvers of other countries when invited.

Prior Notification of Major Military Movements

The Final Act notes that CSCE participants "may at their own discretion" give notification of their major military movements. The Final Act does not lay down any commitments except to provide that the participating states will give "further consideration to this question at a later time."

To date, no signatory state has given notification of a major military movement not associated with an exercise. However, the United States and other NATO allies have provided information on movements in the context of certain maneuver notifications. The Norwegian notification for "Arctic Express" in January of 1978, a maneuver which included U.S. troop participation, mentioned the deployment plans of the main units involved before and after the exercise. The U.S. continues to refer to "Reforger," the annual return of continental U.S.-based forces to Europe for the fall exercise season, in the notifications given of its fall exercises in Europe.

The Commission noted that at the Belgrade meeting, delegations of many countries expressed a strong interest in strengthening the provisions of the prior notification section of the Final Act's CBMs. To this end, four NATO countries offered a proposal which, among other things, called for notification of major military movements in a manner similar to that required for major military maneuvers. The proposal also set forth numerous other provisions relating to the notification of major troop movements. Since these provisions could strengthen security in Europe, the Commission believes that they warrant further consideration and that it would be useful to pursue them during discussions at the Madrid review meeting.

Exchange of Military Visits

Under the category of "other confidence-building measures" the Final Act encourages exchanges of military personnel, including visits by military delegations. There are many ongoing programs of this type between the armed forces of the United States and the NATO allies which predate CSCE and clearly reflect implementation of CBM provisions of the Final Act. There have also been frequent exchanges of high-level military delegations between Eastern and Western countries since the signing of the Final Act.[4] While these exchanges have involved high-level military personnel, there have been no exchange visits of defense ministers since the signing of the Final Act.

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[4] A listing of East-West military delegation exchanges appears in Appendix I, Chart 2.

Eastern Criticism

While the U.S. and allied record in implementing the CBM provisions of the Final Act has been in accordance with both the spirit and the letter of the document, this has not prevented Eastern criticism in these matters. Soon after the Helsinki Final Act was signed, the West was attacked by the Eastern countries for using the Final Act's CBM provisions as an excuse for holding more frequent maneuvers near the borders of Eastern Europe and the Soviet Union. The Eastern countries seem to have recognized the weakness of this charge, for such criticism has not been repeated for some time.

The U.S. has also been criticized on occasion for failing to give notification of large maneuvers based in the U.S. involving more than 25,000 men. These maneuvers, however, are clearly outside the scope of CSCE, since the Final Act only covers maneuvers either in Europe or within 250 kilometers of the frontier of another European participating state. Notification for maneuvers held in the U.S., therefore, are not required or expected under the Final Act.

Another common criticism has been that NATO maneuvers have been too big. This again is a misreading of the Helsinki accords, since there is nothing in the Final Act limiting the size of maneuvers.

Questions Relating to Disarmament

The paragraph entitled "Questions Relating to Disarmament" follows immediately after the specific CBM provisions in the Final Act. It calls upon the participating states, in general terms, to take "effective measures" towards achieving the eventual goal of general and complete disarmament under strict and effective international control. The Final Act makes no provision for or mention of disarmament negotiations in any specific forum. This section of the Final Act simply notes the interest of the participating states in the necessity of disarmament and effective arms control. Therefore, the efforts of the Soviet Union and its allies to link implementation with one-sided views of "general" disarmament, or to portray other countries as acting in bad faith or failing to advocate disarmament, are not consistent with the provisions of the Final Act.

The U.S. is actively engaged in a broad range of arms control efforts affecting Europe. Together with its NATO allies, the U.S. is continuing efforts at the Vienna Mutual and Balanced Force Reduction (MBFR) negotiations to reach agreement on reducing and limiting force levels in central Europe.

On another level, the U.S. has now reached a new agreement with the Soviet Union on strategic arms limitations (SALT II) although it has not been approved by Congress yet. The United States also has initiated or actively participates in discussions aimed at controlling conventional arms transfers, ending nuclear testing, preventing proliferation of nuclear weapons, controlling anti-satellite weapons and banning chemical and radiological weapons. In other forums, such as the Geneva-based Committee on Disarmament and the United Nations, the U.S. actively participates in global and regional arms control and disarmament efforts. In the spring of 1978, the U.S. participated actively in the United Nations Special Session on Disarmament. At this time, a Presidential Declaration was issued concerning limitations on the U.S. use of nuclear weapons. The U.S. is now engaged in following up on the various recommendations which emerged from the meeting.

General Considerations

The final section of the CBM portion of Basket I, entitled "General Considerations" notes the complementary nature of the political and military aspects of security. Several times the Soviet Union has cited this passage and the section on "Questions Relating to Disarmament," in an effort to establish a relationship between implementation of the Final Act and its own view of further progress in the disarmament field. Indicative of this attitude were the proposals advanced by the East at the Warsaw Pact summit meeting in Bucharest in November of 1976. One proposal advocated foreclosing any expansion in the membership of the Warsaw Pact and NATO and another suggested a treaty on non-first-use of nuclear weapons among all CSCE signatories.

In rejecting these proposals, the U.S. and its allies noted that while seemingly innovative, these Warsaw Pact proposals were not new or even consistent with the Final Act. They noted that all CSCE participants had already pledged, in Principle II of the Declaration of Principles and in the U.N. Charter, to renounce the threat or use of force applicable to all types of weapons. Furthermore, the right of states to decide about joining treaties of alliance is confirmed in Principle I of the Declaration of Principles. The U.S. position was then, and continues to be, that priority should be given to realistic efforts to achieve genuine measures of disarmament and arms control in the appropriate forums, especially SALT and MBFR, in addition to CSCE.

CONCLUSION - CHAPTER 2

Overall, the U.S. record of compliance with the Declaration of Principles and Confidence-Building Measures of Basket I has been consistent with both the spirit and letter of these Final

Act provisions. The 10 Principles in the Declaration have long been the guiding principles in U.S. foreign policy conduct with all the CSCE states.

On the practical level, the U.S. has scrupulously implemented all of the Final Act's Confidence-Building Measures. In some areas, notably the advance notification of smaller maneuvers, the U.S., and its allies, have moved beyond their minimal commitments and have taken discretionary steps encouraged by the Final Act.

The U.S. continues to regard arms control and disarmament as the primary goals of its foreign policy, but thinks that discussion of these subjects in the CSCE context should not detract from ongoing negotiations in other forums.

The Commission welcomes the Pell Amendment to the 1980 State Department appropriations bill which puts the U.S. squarely in compliance with Principle X by rescinding the restriction on funds appropriated for assessed contributions to U.N. agencies.

CHAPTER THREE

HUMAN RIGHTS: PRINCIPLE VII

INTRODUCTION

As representatives of 35 nations gathered at Helsinki on August 1, 1975, to sign the Final Act, a chorus of protests and criticisms arose from many quarters throughout the West. In the United States these voices -- in the Congress, the press and from the public -- expressed the fear that, because of the danger of reconfirming the post-World War II boundaries, the new agreement would make conditions more difficult for the peoples of Eastern Europe and the Soviet Union. Other voices, most notably those of the Western leaders who themselves had signed the historic document at Helsinki, were proclaiming the arrival of a new era in East-West relations. Uniquely, this accord bound all CSCE states to respect the human rights and fundamental freedoms of their own citizens and to gradually lift the restrictions against the free movement of people, information and ideas across national borders.

The "free movement" provisions are contained primarily in Basket III, the section titled "Cooperation in Humanitarian and Other Fields." These latter provisions are relatively specific and are dealt with in some detail -- as far as U.S. implementation is concerned -- in Chapter Five of this report. Although Basket III is frequently referred to as the "human rights" part of the Final Act -- and indeed is important in that regard -- the heart and soul of human rights in the Helsinki document is contained in Principle VII of Basket I.

Principle VII is the most comprehensive statement of basic human rights which the governments represented at Helsinki have ever collectively acknowledged. This provision reads as follows:

> VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief
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> "The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.
>
> "They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms

> all of which derive from the inherent dignity of the human person and are essential for his free and full development.
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> "Within this framework the participating States will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.
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> "The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.
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> "The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States.
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> "They will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in cooperation with the United Nations, to promote universal and effective respect for them.
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> "They confirm the right of the individual to know and act upon his rights and duties in this field.
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> "In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound."

Although, as indicated in the Final Act, all of the Principles agreed to at Helsinki are deemed to be of equal importance, nothing at the Conference on Security and Cooperation in Europe captured the imagination and support of the peoples of the CSCE states more than the human rights guarantees contained in Principle VII. Most of the allegations of CSCE implementation shortcomings -- in the East and the West -- have focused on this area. This is both understandable and laudable since it is in Principle VII that the lives and fates of individual human beings are most involved. Indeed, the attention which has been paid in CSCE to the destinies of individual human beings is one of its most valuable contributions to international relations. In the past, the U.S. has been outspoken in its concern for the Helsinki-guaranteed rights of citizens of other CSCE countries. Therefore, it is appropriate that at least equal attention be devoted in this report to the concerns expressed by other CSCE countries about the rights of individual U.S. citizens under the Final Act. The Commission is thoroughly convinced that the emphasis on individual human beings must be maintained if the Helsinki accords are to have an effective and lasting impact on East-West relations.

In examining U.S. compliance with the human rights commitments of the Final Act, the Commission adopted a broad interpretation of the provisions of Principle VII in the belief that this would agree with the expansive spirit of the Helsinki document itself. Not only did we consider the U.S. morally, if not legally, bound by the U.N. covenants on human rights, but we also looked at a range of topics which arguably could be said to fall outside the actual wording of the Final Act. The Commission reviewed the major components of human rights set forth under Principle VII including political, civil, economic and social rights and religious freedom. In addition, the Commission examined such areas as discrimination, the status of American Indians, and women's rights. As with the rest of the report, our examination concentrated to a large extent on criticisms lodged by other CSCE states and domestic groups, including groups which participated in the Commission's hearings on human rights, April 3 and 4, 1979.

In responding to these criticisms, we relied heavily on materials and information supplied by responsible government agencies and interested private sources. We have tried to treat, in one way or another, all the criticisms which have come to our attention, including those which appear to be obvious propaganda. We have acted in the belief that the importance of Principle VII justifies going to extraordinary lengths to respond to all criticisms in good faith.

POLITICAL AND CIVIL RIGHTS

The fundamental human rights sanctioned by Principle VII of the Helsinki agreement are the cornerstones of the American political system. This system, as stated in Principle VII, is designed to ensure the "civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development." While no one argues that the U.S. system is perfect, its resilience and capacity for self-correction and further improvement constitute a uniquely effective mechanism to pursue these goals.

The U.S. Constitution explicitly guarantees "the freedoms of thought, conscience, religion or belief, for all," found in Principle VII. Assurances that these rights can be exercised "without discrimination as to race, sex, language or religion" are implicitly incorporated into the body of Constitutional law through use of the equal protection and due process clauses of the Fifth and 14th Amendments.

The U.S. Constitution is not the only guarantor of fundamental freedoms to American citizens. State constitutions duplicate and often expand the rights of the people they govern. Statutory law, both federal and state, has been a primary vehicle for enforcement and expansion of rights in such areas as voting, housing, employment and education. American courts, the administrators of justice in the United States, comprise a sophisticated procedural system designed to ensure that violations of rights are punished and that future or repeated violations are avoided.

The political system itself is the ultimate guardian of fundamental rights. When government fails to protect or even violates civil or political rights, individuals, elected representatives and the media can force the government to respond to charges that it has violated American and international principles of justice. Several recent examples of the success of American safeguards against such abuse have involved prosecution and conviction of high government officials for violations of the law which were uncovered by the press. Press revelation of corporate bribery and Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI) wrongdoing has also resulted in criminal prosecution.

Freedoms of Religion, Speech and Privacy

> "Within this framework the participating states will recognize and respect the freedom of the individual to profess and practice alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." (Principle VII)

The First Amendment to the Constitution protects the freedoms of religion and speech. It has been construed widely to include other freedoms as well, including freedom of association. Numerous suits brought before U.S. courts have established the freedoms of thought, conscience, religion and belief referred to in Principle VII.

The freedom of religion clause of the First Amendment provides two guarantees: first, it prohibits the establishment of any religion by the government, and secondly , it protects free exercise of religion by individuals. The Supreme Court rulings prevent any discrimination against particular religious groups. At the same time, however, the Court has promoted religion generally by sanctioning the government's decision to give all religious groups and charitable organizations tax exempt status. The right of the individual to practice his or her own religion includes the right to promote that religion and encourage participation by others.

The freedom of speech clause of the Constitution provides the broadest protection for freedoms of thought, conscience and belief. The Pentagon Papers case, which involved a suit by the Justice Department to restrain the New York Times and Washington Post from printing secret Defense Department documents, is a noteworthy recent example of the scope of this guarantee. The Supreme Court held that the fundamental freedom of speech and press protected publication of a classified document despite the government's argument that such publication would breach national security. Other recent examples were the massive popular opposition to the Vietnam war and the public outrage over the Watergate scandal which were freely and extensively reported in both domestic and international news media.

The courts have gone so far as to hold that inciteful speech, advocating violence or even overthrow of the government, may not be punished unless such speech is intended to produce imminent lawlessness and would in fact be likely to do so. First Amendment protection, however, is not limited to verbal expressions of Principle VII freedoms. Activity involving picketing, protest marches, and the use of symbols, including the American flag, have been safeguarded under the First Amendment. Constraints on exercise of these freedoms have been allowed only where there is a valid competing public interest and where a less restrictive solution is not available.

Legal safeguards of the right to privacy are derived primarily from the First Amendment freedom of association, the Fourth Amendment protection against illegal search and seizure, and the Fifth Amendment prohibition against involuntary self-incrimination. Constitutional interpretations of the right to privacy have most often dealt with questions of unreasonable search and seizure. In 1967, the Supreme Court held that wiretaps and other electronic surveillance of citizens conducted by government agencies may violate the Fourth Amendment prohibition against unreasonable searches and seizures. The Freedom of Information Act authorized citizens to examine those records the government has collected in order to assess their accuracy or appropriateness.

Additionally, requests for information by the government may also infringe on individual privacy. To protect this right, Congress passed the Privacy Act of 1974 which limits the collection, retention and dissemination of personal information by Federal Government agencies. Several major legislative bills which address the problems involved in balancing society's "right to know" and the individual's right to privacy are pending before the Congress.

Rights of the Accused

The Bill of Rights, the 14th Amendment to the Constitution and subsequent judicial interpretations of the Constitution provide specific protections for anyone accused of a crime. State and federal judicial systems are required to protect these rights for all citizens and this protection has even been extended to aliens.

Protection actually begins before any formal accusations are made. All persons are guaranteed freedom from unreasonable searches and seizures, the right to remain silent during investigation and the right to be represented by an attorney even when informally suspected of a crime.

Once formal charges are made, an accused person has the continuing right to remain silent, as well as the right to a speedy trial, to an interpreter at trial, to cross-examination of witnesses, and to any exculpatory evidence in the hands of the prosecution. In accordance with Article 14 of the International Covenant on Civil and Political Rights, legal counsel must be provided by the state without cost to indigent defendants. Legal representation is authorized at public expense for indigents involved in prosecution at the federal level as well.

The burden of proof for all elements of a crime rests upon the state. The accused is presumed innocent until the goverment's case is proved beyond a reasonable doubt before an impartial judge and a jury selected from a representative group of citizens. The trial court or court of first instance determines the facts of each case and applies the law to those facts.

If convicted, persons have a statutory right of appeal. Often two levels of appellate courts are provided by both state and federal judiciaries to review trial courts' conclusions of law. Conclusions of fact made by the trial judge or jury are not ordinarily reviewable by the appellate courts. Defendants also have a Constitutional right to free transcripts or other aids necessary to carry out the appeal, and a Constitutional right to be free from cruel and unusual punishment. These Constitutional and statutory rights conform to standards set not only by the Final Act but also by the United Nation's Universal Declaration of Human Rights (Articles 5 and 9) and the International Covenant on Civil and Political Rights (Articles 6, 7, 9 and 14).

While the ability to exercise the fundamental rights outlined thus far has been impeded in some cases, the judiciary provides a mechanism to hear, address, and redress complaints that the procedural system has malfunctioned. For example, the U.S. Supreme Court in 1977 overturned a jury selection system which, though not intentionally discriminatory, did exclude a disproportionately high number of Hispanics. In addition, several recent suits have successfully challenged the effectiveness of court-appointed counsel and have set more stringent standards for attorneys' representation of indigent defendants.

Accused individuals are afforded protection by both state and federal laws. States must meet federal standards in protecting rights but, at the same time, they are free to adopt more stringent standards or add new protections not covered by federal law. The division of power between the federal and state governments prevents federal review of some defendants' claims. However, whenever a defendant feels his or her Constitutional rights have been violated by the government, for example because a fair and impartial trial was denied or punishment was cruel and unusual, then he or she may file a writ of habeas corpus before a federal trial court. By filing this writ, a convicted person requests judicial inquiry into the legality of his or her restraint.

The United States is taking positive steps to improve the administration of justice by federal courts. President Carter has sought to enhance access to federal courts by increasing the total number of judicial appointments by approximately 20 percent. The Congress also passed the Speedy Trial Act of 1974 which is designed to break the backlog of criminal cases in federal courts. The law requires that defendants be indicted within 30 days of arrest and that they be arraigned within 10 days of indictment. A trial must begin within 60 days of arraignment. If the courts do not comply with these provisions, with certain limited statutory exceptions, dismissal of the case is mandatory.

Safeguards Against Discrimination

> "The participating states on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere." (Principle VII)

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Historically, the American record of discrimination against racial and ethnic minorities has been subject to serious criticism. Problems of U.S. compliance addressed throughout this report illustrate the depth of discrimination's roots in this country. However, the efforts made by federal and state governments, particularly in the last 15 years, to redress inequities while preserving "freedom of thought, conscience, religion and belief for all" merit equal consideration by those concerned with monitoring U.S. compliance with the Final Act. These efforts in large part are fruits of the political activism of black American leaders in the 1960's.

The 14th Amendment codified the federal consensus that "no state shall...deny to any person within its jurisdiction the equal protection of the law." Basing its efforts on this Amendment, together with the 13th and 15th Amendments which outlaw slavery and racially discriminatory election laws respectively, the Federal Government has sought to eliminate discrimination against black Americans and other minorities. By incorporating the Fifth Amendment due process clause into the equal protection guarantees, federal courts have applied the same standards to federal violations of guaranteed freedoms that have been applied to state violations. In recent times, the courts have sanctioned legislation and programs which allow women, blacks and other minority racial or ethnic groups preferences in areas such as education, employment and government contracts. These programs are often labeled "affirmative action."

The Constitutional provisions have been given substantive meaning by extensive civil rights statutes passed since 1964. Many of these statutes are detailed in other sections of the report. The Civil Rights Act of 1964 forbids racial discrimination in public accommodations, in the use of federal money and in employment. Its provisions apply to private parties as well as to state governments. All racial discrimination in contracting, whether public or private, is outlawed. The Fair Housing Act of 1968 and other provisions of the United States Code prevent discrimination in lease, rental or purchase of housing. Violations of these laws can result in civil suits by the Attorney General or by private parties.

The Voting Rights Act of 1965 authorizes the Attorney General to send federal voting registrars into areas where voting discrimination has traditionally existed and suspends literacy tests as a prerequisite to voting because of their history of discriminatory use. It also allows the Attorney General to review changes in voting laws in those jurisdictions where such laws have been used to deny persons the right to vote. The Voting Rights Act was extended in 1975 to apply to certain ethnic minorities who speak a language other than

English. Elections must be held in both English and the traditional language where there is a higher than average English illiteracy rate among minority voting age citizens.

The Equal Employment Opportunities Commission publishes detailed guidelines to deal with potential job discrimination and has been instrumental in resolving employee complaints brought before it. It has also been active in bringing employment discrimination suits to the courts. The Department of Housing and Urban Development (HUD) enforces strict rules for insuring non-discriminatory availability of federally financed housing. In cooperation with federal banking authorities, HUD has acted to ensure that black citizens have equal access to mortgage loans.

Discrimination against women, discussed in detail in another section of this report, is prohibited by several statutes including the 1964 Civil Rights Act, the Education Amendments of 1972 and 1974, and the Fair Housing Act of 1968. Equal protection of women has been guaranteed by special legislation concerning credit decisions by lending institutions, pay scales for government employees, employment practices of federal contractors, and use of federal money by educational institutions. The proposed Equal Rights Amendment (ERA) passed by Congress has not yet been ratified by three-fourths of the state legislatures as required by the U.S. Constitution. However, many states and cities have adopted constitutional or charter amendments as well as statutes or ordinances to ensure fundamental rights for women. Though the Supreme Court has not given women the automatic protections afforded minorities under the Constitution, Congressional and Executive Branch concern with eradication of discrimination has been evident. A major example is the appointment of a special Presidential Task Force on Sex Discrimination to coordinate a review of federal statutes, regulations, programs and policies to remove any discriminatory treatment of women.

Individuals who feel that their Constitutional rights or statutory privileges are being violated have access to federal courts. Since 1975, the Supreme Court has enforced civil rights statutes which prevent exclusion of children from private schools on racial grounds and which allow retroactive award of seniority to blacks, women and other victims of discrimination. The Court has ruled that prospective jurors must be examined to determine if they have racial prejudices. It has also approved controversial public housing desegregation plans prepared by HUD and has recently sanctioned a voluntary affirmative action plan which uses quotas to redress past racial discrimination.

The Department of Justice Civil Rights Division, created in 1957, has primary responsibility for enforcing the civil rights laws described thus far. In testimony submitted to the

Helsinki Commission for the April 4, 1979 hearing, Deputy Assistant Attorney General John Huerta explained the changes in the Division's enforcement role since 1957. He cited the fact that "in Fiscal Year 1978 alone, the Division filed 55 civil actions challenging 'patterns and practices' of discrimination affecting, in some cases, literally thousands of people. In addition, it has initiated 36 criminal prosecutions and participated in 180 other lawsuits." In his oral testimony, Huerta told the Commission that approximately 3,500 criminal civil rights investigations are conducted each year.

Allegations of Police Misconduct

At the Commission hearings, Huerta stated: "The bulk (of criminal civil rights prosecutions) have been against state and local law enforcement officers charged with unlawful beatings of citizens." Serious allegations of police misconduct at various levels of government have concerned not only the Justice Department but also the U.S. Commission on Civil Rights and several private civil rights organizations. In 1978, civil rights groups in Memphis, Tennessee, filed a complaint with the United Nations which cited incidents of police misconduct against black citizens in the area. The U.S. Civil Rights Commission had published an exhaustive study in August of 1978, entitled "Civil Crisis - Civic Challenge: Police Community Relations in Memphis," independent of the complaint presented to the U.N. The Justice Department had also initiated investigations into these complaints at the time the petition was filed before the U.N. A reply to the complaint by the State Department noted that these questions were already being addressed by federal and state officials responsible for investigation of the abuses. The U.N. Subcommission handling the complaint decided that, under the circumstances, the U.S. should not be cited for human rights violations.

The Justice Department has been investigating allegations of police brutality in several U.S. cities, most notably Philadelphia, Pennslyvania. On August 14, 1979, the Department filed suit in federal court against the Philadelphia Police Department and several city officials charging that they had violated the civil rights of Philadelphia citizens. Allegations were based on an eight-month investigation conducted by the United States Attorney in Philadelphia and the Civil Rights Division of the Justice Department. The complaints were not limited to particular racial or ethnic groups. This action, which is unprecedented, has been interpreted as a signal to all police departments to review and, where appropriate, improve their citizen complaint, community relations and internal discipline procedures. Drew Days III, Assistant Attorney General for Civil Rights, explained that the purpose of the suit against Philadelphia officials is "to end certain institutional weaknesses in dealing with police misconduct." The Department has asked the court to stop the flow of federal funds to the Police Department in Philadelphia until recommended changes are made. Recently the federal court dismissed portions of the suit. However, a Justice Department appeal of this action is under consideration.

The Civil Rights Commission continues to investigate and monitor charges that patterns of discrimination exist in the administration of justice in the United States. A current study called the "Police Practices Project" has involved extensive hearings and fact-finding in Philadelphia and in Houston, Texas. The report focuses primarily on the procedures used by these local police departments to deal with complaints of police brutality. The project staff has studied other agencies including the FBI, United States Attorney offices, the Justice Department and related state and local agencies in the course of determining the effects of police misconduct on minority communities. The report should be released in January of 1980.

The CSCE Commission has also received specific complaints about abuse of citizens' rights by local and federal law enforcement officers from the Mexican-American Legal Defense and Educational Fund (MALDEF). In August of 1978, Commission staff referred 30 alleged cases of police brutality to the Criminal Section of the Justice Department's Civil Rights Division. At the time this request was made, the Justice Department had already provided two status reports to MALDEF President Vilma Martinez. The Justice Department determined that criminal civil rights prosecutions were not justified in 43 of 56 cases brought to its attention by MALDEF. In a letter to MALDEF explaining the basis for this determination, the Justice Department noted that it did not find sufficient evidence to corroborate the allegations.

MALDEF and other Hispanic groups have also charged the Immigration and Naturalization Service (INS) with abuse of citizens' rights by conducting "dragnet" raids in search of illegal aliens. This problem was addressed in a 1977 decision by the United States District Court for the Northern District of Illinois which prohibited the search or seizure of persons of Hispanic descent beyond the Mexican-American border, unless there are "specifically articulable facts" that the person is in the United States illegally.[5] A more recent case, alleging misconduct by INS officials in Onargo, Illinois, was brought to the Commission's attention by the Washington Helsinki Watch Committee in testimony on April 4, 1979. This case is now being litigated in federal court.

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[5] Catz, Fourth Amendment Limitation on Nonborder Searches for Illegal Aliens: The Immigration and Naturalization Service Meets the Constitution, 39 Ohio St.L.3. 66 (1978).

When queried about investigative procedures in cases of misconduct against U.S. citizens by its officials, the INS Office of Professional Responsibility, in correspondence dated July 5, 1979, provided the following explanation:

> "It is the policy of the Immigration and Naturalization Service to investigate all complaints received alleging misconduct by Service employees. Complaints of physical abuse...may be investigated by this office or by the Federal Bureau of Investigation. Local police often have investigative jurisdiction and in such cases this office monitors their inquiry and subsequent events. In any of the above, the Civil Rights Division of the Department of Justice is immediately notified telephonically with a written follow-up. Local U.S. Attorneys are also informed."

The problems faced by Hispanic-Americans in the enforcement of immigration laws will be addressed in detail in a study by the Civil Rights Commission scheduled for release in the fall of 1979.

Future Prospects

A fairly recent development in dealing with alleged violations of citizens' rights has been the establishment of a cooperative arrangement between the Justice Department's Civil Rights Division and the State Department to evaluate and respond to domestic human rights complaints raised in international forums. A procedure has been set up to ensure that these complaints are seriously considered against the commitments made in the Helsinki accords. This arrangement, and the more informal ones between the Justice Department, the Helsinki Commission and the Civil Rights Commission are potentially important first steps in responding to complaints raised under the Final Act.

The Commission fully supports the Justice Department's assessment of its role in monitoring U.S. domestic compliance with the Final Act: "We do not consider ourselves an agency to whitewash the United States' non-compliance with Helsinki and to the extent that our review indicates civil rights violations, we will say that the United States is not complying with its own domestic norms." It also welcomes the Justice Department's initiative in engaging Professor Robert Lillich of the University of Virginia to examine international human rights norms and standards and to compare these findings with existing American civil rights laws.

The Commission on Civil Rights, created in 1957, is mandated to assess the laws and policies of the United States with respect to civil rights. Staff Director Louis Nunez described the Civil Rights Commission's activities in his April 3, 1979, testimony before the Helsinki Commission. He highlighted important problems in key areas addressed by this report. He stated that "...this nation confronts complex and often subtle discriminatory patterns. To deal with them, our society must go beyond neutral or non-discriminatory behavior by individuals and institutions. We have to institutionalize our efforts to insure that equal opportunity exists throughout our society. This requires not merely new civil rights laws, but more effective enforcement of existing laws, regulations and policies."

The Civil Rights Commission is a fact-finding agency concerned with general social problems. Its primary purpose is to monitor trends or patterns of discrimination and to make recommendations which affect large numbers of people. Numerous reports published each year by the Civil Rights Commission illustrate its commitment to monitoring and improving the performance of the U.S. in guaranteeing civil rights of American citizens. The Civil Rights Commission is currently studying the possibility of expanding its activities to include investigations of individual cases raised by human rights organizations such as Amnesty International.

In addition, the Senate recently passed an amendment to the Civil Rights Commission Authorization Bill for Fiscal Year 1980 which would require the Commission to "appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution involving Americans who are members of eastern and southern European ethnic groups...." The amendment directs the Civil Rights Commission to issue a report to the Congress on its findings by September 30, 1980. Noting that "Americans who are members of eastern and southern European ethnic groups have made significant contributions to our nation," CSCE Commissioner Robert Dole said that the amendment "will provide a mechanism that will enable the Congress to monitor the enforcement of those Federal rules and regulations that have been enacted whose intentions are to insure the fair treatment of all Americans."

The laws, programs and other efforts described throughout this report are part of a process designed to remove discrimination from American society. Despite the commitment of the U.S. Government to protect fundamental human rights and the presence of numerous safeguards built into the judicial system, no system based on finite resources and fallible human beings can ever be perfect. The most that the U.S., or any society, can do is to recognize its imperfections and constantly seek to improve them. The Commission is confident that through the combined efforts of private individuals and organizations, the press, local, state and federal law enforcement agencies and the courts, the U.S. is moving vigorously to reduce the areas of injustice that remain. In so doing, the U.S. is demonstrably fulfilling its commitments under the Helsinki Final Act.

POLITICAL PARTICIPATION

Principle VII of the Helsinki Final Act commits CSCE nations to promote and encourage the effective exercise of political rights and freedoms, as well as to respect the rights of persons belonging to national minorities and to guarantee them equality before the law.

Critics charge that the United States does not provide equal representation to all citizens in the political process and that minorities are discriminated against by voting procedures. In addition, it has been alleged that the U.S. political system, as it has evolved, discriminates against minority parties by not providing them with equal ballot access.

The framers of the American Constitution gave considerable attention to the question of voting in Articles I and II; however, they did not specifically state exactly which persons were to have the right to vote. Subsequently, the 15th, 19th, 24th and 26th Amendments to the Constitution, as well as other voting rights laws, have further defined and extended the voting franchise in the U.S. The 15th Amendment was designed specifically to prevent abridgement of the vote because of race. Later, the 19th Amendment ensured women the right to vote. The 24th Amendment abolished the poll tax for federal elections. In 1971, the 26th Amendment extended the franchise to all persons 18 years of age and older.

The 15th Amendment, enacted in 1870, states that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude." In 1920, the same guarantees were extended to women through the 19th Amendment. Following the Amendment's passage, however, the exercise of the newly acquired "right to vote" by women, blacks and other minorities was not universally respected. Prerequisites to registration and voting such as literacy tests, lengthy residency requirements, and poll taxes were used by some states to impede minority participation in the election process. In 1962, the 24th Amendment was passed to prohibit denial of the right to vote for federal officials because a person has not paid a tax. At the time the Amendment was ratified, five states imposed poll taxes as a condition to voting. The Supreme Court subsequently held that poll taxes were unconstitutional under the Equal Protection Clause of the 14th Amendment on the basis that the right to vote should not be conditioned on one's ability to pay a tax. Accordingly, poll taxes are now prohibited in all state and federal elections.

Despite passage of Constitutional safeguards, Congress recognized that progress through case-by-case litigation was too slow. Acting under the authority given in Section 2 of the 15th Amendment which provides that "the Congress shall have power to enforce this article by appropriate legislation," Congress passed the Voting Rights Act of 1965. This legislation, which is regarded as the most far-reaching and effective of U.S. civil rights statutes, strengthened controls to prevent discrimination in voting. The Act was renewed in 1970, and again in 1975 for an additional seven-year period. The 1975 extension expanded coverage of the Act to include non-English speaking citizens.

Specifically, the original Act empowered the U.S. Attorney General to send federal voting registrars and federal election observers into states or political subdivisions where voting discrimination had previously occurred. In addition, the Act prohibited establishment of new voting practices or procedures until the Attorney General (or U.S. District Court for the District of Columbia) determined that the changes did not abridge the right to vote on account of race or color. Since 1965, Congress has expanded the Voting Rights Act by passing the 1970 and 1975 Amendments. These impose a nationwide ban on literacy tests as a prerequisite to voting and extend the Act's special protections to voters in language minority groups, including American Indians, Hispanics, Asian-Americans and Alaskan Natives.

Voting Rights Enforcement and Litigation

As the government agency responsible for enforcing federal civil rights voting laws, the Justice Department's role in this area has expanded greatly in recent years. Deputy Assistant Attorney General for Civil Rights John Huerta, in testimony given at the Commission's April of 1979 hearings on U.S. compliance with the Helsinki Final Act, stated that since 1976, the Justice Department has reviewed more than three times the number of proposed voting changes than it had in all previous years combined. Between October of 1976 and June of 1977, for example, 1,204 such submissions involving 2,544 proposed changes were forwarded to the Justice Department. They included changes in bilingual procedures and polling locations. During this period, 40 objections were raised by the Justice Department, requiring modifications of the proposed changes before they could be instituted. During 1978, the Justice Department filed 24 new lawsuits involving similar objections and continued to litigate cases filed in 1976 and 1977.

In April of 1976, the Attorney General objected to 13 of the 23 proposed annexations by the city of San Antonio, Texas, on the grounds that the city had not shown that the annexations would not result in the dilution of minority voting strength in a system in which the nine city council members were elected at large. The Justice Department suggested the adoption of a single-member ward system. When this was implemented two additional Hispanic council members were elected.

In an April of 1979 letter to Congressman Don Edwards, Chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights, officials of the Mexican-American Legal Defense and Educational Fund (MALDEF) termed the San Antonio development "a major enhancement of political power for Mexican-Americans." In addition, MALDEF described the effects of Section 5 of the Voting Rights Act over the last four years as "dramatic and tangible." At the same time, MALDEF expressed its continuing concern regarding certain bilingual problems.

Congress has remained active in a monitoring role since passing the Voting Rights Act Amendments of 1975. In August of 1976, Chairman Edwards asked the General Accounting Office (GAO) to evaluate the implementation of the Voting Rights Act with special emphasis on the Department of Justice's enforcement of the minority language provisions. In addition, Senator Daniel Inouye of Hawaii and former Congressman William Ketchum of California requested GAO to conduct a cost effectiveness analysis of the bilingual provisions of the 1975 Amendments to the Act. The conclusion of the GAO study was that "the Department of Justice's program for enforcing the act has contributed toward fuller participation by language and racial minorities in the political process. However, the Act's objectives could be more fully realized if certain improvements were made." Chairman Edwards' subcommittee held extensive hearings on the subject in February and June of 1978, at which both GAO and Justice Department officials testified.

The U.S. Supreme Court recently handed down several rulings relating to the Voting Rights Act. In Williamsburg v. Carey, decided in March of 1977, the Court upheld a New York legislative redistricting plan. This plan had been developed specifically to overcome Justice Department objections to previous plans which the Department felt diluted minority voting rights. The revised plan, upheld by the Court, increased non-white voting strength. The significance of this decision lies in the Court's ruling that, at least in some circumstances, a raceconscious plan does not violate the Constitution. In Briscoe v. Bell, the Supreme Court rejected an effort to evade provisions of the Voting Rights Act Amendments of 1975 requiring bilingual elections.[6]

The Voting Rights Act: Impact on Minority Political Participation

According to the U.S. Commission on Civil Rights, the Voting Rights Act of 1965, as amended, has led to increased legislation, voting participation and election of minorities to political office in many states. A 1978 nationwide study conducted by the Joint Center for Political Studies listed 4,503 blacks holding elective office in the U.S. -- 1,000 more than held office in 1975 and nearly four times the 1969 figure. Blacks have been elected mayors of several major cities, including Atlanta, Birmingham, Los Angeles, Detroit and New Orleans.

During the last decade, the number of black elected officials in the South has grown from 408 to more than 2,000, a figure which exceeds that of any one region in the country. This increase, according to the Joint Center for Political Studies, may be attributed to the impact of reapportionment and the change from at-large to ward or district elections -- reforms prompted by voting rights legislation and enforcement. In addition, voter registration among blacks in the South has increased markedly. The percentage of eligible black voter registrants in the seven southern states covered by the Voting Rights Act provisions has nearly doubled in the last 10 years.

Hispanic registration has also climbed steadily since 1975. A recent survey of Hispanic voting patterns by the Southwest Voter Education Project indicated that registration among Hispanics in Texas increased by 103,950, or 21.1 percent between 1976 and 1978.

Most agree that the minority voter turnout was a decisive factor in the outcome of the 1976 presidential election. Of the approximately 6.6 million blacks who voted in the election, 91 percent supported the Democratic candidate, Jimmy Carter. The Hispanic voting population also strongly backed Carter, who received 81 percent of an estimated 1.9 million votes cast in the contest. The black vote provided the margin of victory for Carter in several states, while Hispanic voters supplied the victorious candidate with crucial vote edges in the pivotal electoral states of Texas and New York.[7]

Despite recent growth of minority representation and participation in the U.S. electoral process, there is still much progress to be made. For example, the rate of growth in the

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6. U.S. Commission on Civil Rights, The State of Civil Rights 1977, page 32.
7. Southwest Voter Education Project, "The Latino Vote in the 1976 Election," April of 1977, page 12.

number of black officials has declined gradually over the past four years, dropping from 17 percent from 1974 to 1975 to 4 percent from 1977 to 1978.[8] Many observers view this trend as a natural leveling process following the dramatic civil rights strides of the late 1960's and early 1970's. In any event, according to the National Urban League, blacks in America today hold less than 1 percent of the more than 522,000 elected offices in the U.S., while comprising about 11.1 percent of the total U.S. population.[9]

Presidential Appointments

The commitment of the Federal Government to increased political participation by minorities and women has been demonstrated by the distribution of Presidential appointments during the current Administration. Several of the appointments were to high-level positions, including Ambassador to the United Nations, Secretary of the Department of Health, Education and Welfare, Secretary of Commerce, the new Secretary of Education, Commissioner of the Immigration and Naturalization Service, Secretary of the Army and Solicitor General. In addition, the President has committed himself to the appointment of significant numbers of minorities and women to the 152 new federal judgeships provided for under the Omnibus Federal Judgeship Act of 1978.[10]

Minority Party Access to the Ballot

The Department of Justice, under provisions of federal civil rights law (e.g. the Voting Rights Act) has sought to protect the rights of black, Asian and ethnic minorities where discriminatory restrictions have been placed on their access to the ballot. For example, the Department obtained a federal court injunction against the disqualification of candidates of the black National Democratic Party of Alabama in Dallas County, Alabama, when those candidates' qualification papers were subjected to greater scrutiny than the qualification papers of white political party candidates. Under the provisions of the Voting Rights Act, the Justice Department twice prevented the implementation of an open primary law in Mississippi that would have effectively precluded blacks from running for office as independent candidates in general elections. In January of 1976, the Department prevented the implementation of a Texas law that would have revised the state's election law to require the Mexican-American La Raza Unida party to choose its candidates only by convention and at its own expense rather than to hold primary elections (as do the Democratic and Republican parties), the costs of which are reimbursed by the state.

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[8] Joint Center for Political Science, National Roster of Black Elected Officials, Volume 8, 1978, page xi.

[9] National Urban League, The State of Black America, 1979, page 44.

[10] U.S. Commission on Civil Rights, The State of Civil Rights: 1977, page 32.

The Civil Rights Division of the Justice Department has also been active in litigating American Indian voting rights cases. In 1978, the Division successfully blocked an attempt by the Town of Bartelme, Wisconsin, to disenfranchise its Indian voters. The federal district court authorized the presence of Justice Department observers to ensure that the American Indians on the reservation were able to vote freely in the election.

Charges of discrimination against minority political parties extend beyond those which are composed of racial or linguistic minorities. Specifically, one source has alleged that "the history of the evolution of state election laws shows that every potential threat to the two-party majority of the electoral system has been countered by legislation imposing more stringent conditions on ballot access by other (than the Republican or Democratic) parties."[11] The same source continues: "In addition to the restrictive laws and practices that confront all minority parties and independents, reactionary forces reserve special treatment for the Communist party."[12]

In the United States, laws, rules and regulations governing a political party's ability to gain positions on the ballot are set by state, not federal law. Thus, the jurisdiction of the Justice Department or any other federal agency is extremely limited. However, under the First Amendment to the U.S. Constitution, all persons have the right to associate for the advancement of their political beliefs. In addition, under the Equal Protection Clause of the 14th Amendment, these rights are protected from infringement by the states. These principles have been confirmed by various Supreme Court rulings.

For example, the Supreme Court found an Indiana loyalty oath statute to be unconsitutional under the First and 14th Amendments. In the case of the Communist Party of Indiana v. Whitcomb (1974), the Communist Party of Indiana had been denied a place on Indiana's national ballot for the 1972 general elections because it failed to file an affidavit stating that it did not advocate the overthrow of local, state or national government by force or violence. The Court ruled in favor of the Communist Party, stating that, "for purposes of determining whether to grant a place on the ballot, it is improper to conclude that any group which advocates violent overthrow or abstract doctrine must be regarded as necessarily advocating unlawful action."

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[11] U.S. Communist Party, Look Homeward, Jimmy Carter: The Status of Human Rights, USA, page 39.

[12] Ibid, page 40.

Conclusion

In conformity with the provisions of the Helsinki Final Act, the Federal Government is making a concerted effort to ensure the political rights of all U.S. citizens and to eliminate any remaining traces of discrimination. This effort is being undertaken in all three branches of the Federal Government.

In the last decade, minorities and women have made great strides toward full participation in the political process. Though this goal has not yet been fully reached, the Federal Government has taken the lead to ensure continued progress. Furthermore, the U.S. court system has consistently upheld U.S. Constitutional guarantees which provide minority parties of any political persuasion with nearly unlimited freedom to espouse the doctrine of their choice. These court decisions have had the practical effect of increasing the equal rights protections of minority political parties.

The Commission believes that legislation, court decisions and vigorous enforcement action by the Department of Justice have essentially established the voting rights of all Americans. This achievement has gone a long way toward promoting the effective exercise of political rights called for in the Helsinki Final Act. The accomplishment of this ultimate goal will require further efforts on behalf of women and minorities to bring the level of their political participation into line with their numbers in the population. Given the resistance to social changes, women and minority group members themselves will have to continue their efforts to increase their political effectiveness. At the same time, governmental authorities -- federal, state and local -- bear a responsibility to see that these efforts are facilitated and not hindered. Areas where affirmative government action would be helpful include:

-- Additional voter education projects;
-- Greater attention to bilingual voting problems;
-- Appointment at all levels of more qualified women and minorities to positions of political responsibility; and
-- Continued vigilant enforcement of voting rights.

DOMESTIC SURVEILLANCE

The individual freedoms and rights to which CSCE states committed themselves in Principle VII of the Helsinki Final Act do not specifically include protection from government surveillance. However, the freedoms and rights which are enumerated and the whole tenor of the language of Principle VII strongly support the notion that this protection is, at a minimum, implicit in the CSCE document. Furthermore, the reference in Principle VII to the obligations of the participating states to act in conformity with the U.N. Charter and the Universal Declaration of Human Rights makes it clear that the intention of the Final Act is to protect citizens of CSCE countries from unwarranted intrusions by their governments into their private lives.

Both domestic critics and several CSCE countries have cited domestic surveillance activities by U.S. Government agencies as a violation of the Final Act. Although most of these charges relate to activities occurring prior to the signing of the Act, certain critics allege that officially sanctioned surveillance actions against U.S. citizens continue to the present day.

Past Abuses

There is general agreement that up to 1975 several government agencies engaged in abuses of authority resulting in an invasion of the privacy of numerous U.S. citizens and private groups. These abuses reached a high point during the Watergate era. They included electronic surveillance, illegal searches, burglaries, mail thefts and other postal violations and the use of informers. Along with other aspects of the Watergate scandal, these abuses were brought to public attention largely through the investigative efforts of a free press. Public knowledge in turn led to a series of investigations and remedial measures in all three branches of the U.S. Government.

Action by the Congress

As reports of abuses by certain federal agencies (primarily in the intelligence area) mounted, the 94th Congress (1975-76) established select committees to look into the various allegations. The Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (often called the "Church Committee") conducted lengthy hearings and issued an extensive report covering a wide range of accusations which had been made against intelligence agencies. The House Select Committee on Intelligence (frequently referred to as the "Pike Committee") also held extensive hearings, concentrating primarily on fiscal procedures and effectiveness of elements of the intelligence community. Recommendations of the final reports of both committees were published and received widespread public attention.

Hearings on oversight for the Federal Bureau of Investigation (FBI) were held by the House Judiciary Committee in both the 94th and 95th Congresses. The Senate Judiciary Committee, in the 95th Congress, held hearings on the need for an FBI statutory charter which would define the agency's function and powers. Numerous pieces of legislation have been introduced aimed at enacting an omnibus statutory charter to cover the intelligence community. At the same time, efforts to enact a separate charter for the FBI reached a new stage on July 31, 1979, when the Carter Administration proposed such a charter. This proposal, which is aimed in part at increased protection for American citizens' right to privacy, was generally hailed as a step foward. It seems clear, however, that individual provisions of the bill will be sharply questioned by certain members of Congress and civil rights groups.

In addition to legislative action directed at the FBI, there have been a number of bills, hearings and discussions since 1975 about abuse of power -- both actual and potential -- by such agencies as the Internal Revenue Service (IRS), the (CIA), the Drug Enforcement Administration, the National Security Agency, the Customs Service and other law enforcement entities. The most far-reaching new law enacted thus far is the Foreign Intelligence Surveillance Act of 1978 which contains provisions for added protection of citizen privacy rights in the area of electronic surveillance. A leading civil rights expert on the question of domestic surveillance testified at the time that the Act would correct most, if not all, of the privacy abuses which have been uncovered. According to the House Judiciary Committee: "Enactment of the Foreign Intelligence Surveillance Act was one of the landmark accomplishments of the 94th Congress, completing years of work involving two Administrations and four separate Congressional committees. It represents a unique historical consensus...in a joint effort to assure the American public that the abuses of the Watergate era will not be repeated."

Actions by the Executive Branch

The Executive Branch has also initiated a number of measures since 1975 to reduce unauthorized intrusions into the lives of citizens. Even prior to the signing of the Helsinki Final Act, a Presidential Commission on CIA Activities within the United States published its report on June 10, 1975, containing 30 recommendations regarding past abuses, remedial action and future prevention. As a result, President Ford announced a partial reorganization of intelligence responsibilities through an omnibus Executive Order on February 18, 1976. This Order, amended by President Carter on January 24, 1978, detailed broad restrictions on intelligence rights of U.S. citizens and groups.

On February 24, 1976, the General Accounting Office issued a report on "FBI Domestic Intelligence Operations -- Their Purpose and Scope: Issues that Need to be Resolved." Shortly thereafter, on April 5, 1976, then Attorney General Edward Levi issued guidelines placing restrictions on the FBI's conduct of domestic security investigations.

Judicial Decisions

Along with the legislative and executive branches of the government, federal courts have taken a series of steps related to abuses of the past in the area of invasion of privacy. Among numerous legal actions initiated is the currently pending trial of a former director of the FBI and two former FBI officials on charges of authorizing illegal break-ins against relatives and friends of Weather Underground fugitives. In another action, persons seeking damages for CIA opening of their mail were awarded $1,000 each in the case of Birnbaum v. United States. In still another case, suits were filed by the Socialist Workers Party for damages and to prohibit FBI surveillance of its convention. A number of other cases have dealt with electronic surveillance and other issues affecting Constitutional rights of privacy.

In addition to the cases listed, a large number of Freedom of Information Act suits have been initiated in federal courts seeking access to information in the hands of the intelligence agencies. Both the Freedom of Information Act and the Privacy Act, but particularly the latter, have significantly increased the protection of individual citizens against encroachment by the government into their private lives.

Results of Efforts to Reduce Surveillance

The Commission is pleased to report that there has been a marked decline in domestic surveillance activities since 1975, according to testimony of officials of the government agencies involved, including the White House. Congressional bodies charged with surveillance oversight responsibilities have reached the same conclusion. The General Accounting Office (GAO) report, "FBI Domestic Intelligence Operations: An Uncertain Future" (November 9, 1977), concurred that the FBI's domestic intelligence operations have been reduced significantly both in scope and level. Private civil rights groups also agree that there has been a drastic reduction in instances of domestic surveillance since the Watergate era. They point out, however, that because they lack all the facts, they cannot make exact, quantitative comparisons.

Conclusion

There is no question that there has been a sharp decline in cases of domestic surveillance of U.S. citizens and groups in the past few years. This reduction has resulted from action in all three branches of the Federal Government to ensure that individual rights are no longer abused by government agencies acting beyond the scope of their authority. Notwithstanding the progress that has been achieved, most agree that further action is needed. The President's proposal for a new FBI charter limiting surveillance activities to strictly defined actions consistent both with national security interests and individual rights to privacy is an important step. The Commission supports this initiative and looks forward to the constructive debate and discussion which will precede and strengthen the new law which will eventually be enacted.

Reviewing U.S. obligations under the Helsinki Final Act, the Commission's investigation leads to several conclusions. First, abuses cited by critics which occurred before the document was signed cannot be regarded as violations of the Final Act. Second, by taking the corrective actions it has since the signing of the Act, the United States has acted in good faith to honor its commitments. In a sense, recognizing shortcomings and taking positive actions to remedy them is as important in terms of compliance with the Helsinki agreement as having a good record to start with. Third, the United States recognizes that, despite the enormous progress achieved, further improvements are necessary. The President's new proposal and other developments give the Commission every reason to believe that these improvements will be carried out.

POLITICAL PRISONERS

One of the most important provisions of Principle VII specifies that CSCE states will promote and encourage the exercise of basic human rights, including civil and political rights. The United States has been criticized for its performance under this provision because of the incarceration of alleged "political prisoners" in American jails.

According to these critics, people are sometimes imprisoned in the U.S. solely for their political beliefs. These charges emanate from a variety of sources, both domestic and foreign, including Amnesty International, other CSCE states and private domestic human rights organizations. The Soviet Union, for example, raised several specific cases of alleged U.S. political prisoners at the 1977 CSCE review meeting in Belgrade and the Soviet and East European press have followed up with other charges since then.

In any discussion of whether there are "political prisoners" in U.S. prisons, critics cite the remarks of former U.N. Ambassador Andrew Young. In an interview in 1978 with the Paris daily, Le Matin, Young was quoted as saying: "...After all, in our prisons, too, there are hundreds, perhaps even thousands of people whom I would call political prisoners." But in a later interview with the Christian Science Monitor, Young said his remarks had been taken out of context. He said he had used the term "political prisoner" in the broadest sense, apparently referring to those he believes are in U.S. prisons because their economic or social standing led them to commit crimes. He added, "We do a good job of dealing with political and religious freedom. But we are still weak in the economic area." From his remarks, it appears clear that Mr. Young did not have the usual concept of political prisoner (prisoner of conscience) in mind when he made his statement to Le Matin. Questions about social and economic inequities in U.S. society are discussed in another section of this report.

The number of people alleged to be political prisoners ranges, according to various sources, from more than a thousand to just a handful. The charges in many cases are either too vague to investigate or not covered under the Final Act. For these reasons, the Commission concentrated on the allegations made by two sources. One source is Amnesty International, an organization with such an international reputation for honesty, objectivity and thoroughness that it was awarded the Nobel Peace Prize in 1977. As a second source, the Commission has considered the allegations made most frequently and prominently by other CSCE states. There is some overlap between the allegations made by Amnesty and those made by other signatories of the Final Act.

In approaching this task, the Commission has checked the status of each case by contacting a number of organizations and individuals including the Justice Department, state officials, defense attorneys and civil rights groups. In addition, in the case of the Wilmington Ten, the Commission's General Counsel R. Spencer Oliver interviewed Reverend Benjamin Chavis, the only member still incarcerated. Many of the cases which follow are still involved in the legal process and entail a number of complex issues. For this reason, the Commission does not feel it is appropriate to comment in detail on the merits of these cases prior to their final resolution.

The Wilmington Ten

A case that has received widespread domestic and international attention is that of the Wilmington Ten. Reverend Ben Chavis, one of the 10 defendants, addressed an open appeal at the Belgrade review meeting. In addition, the convictions and incarcerations of the Wilmington Ten were raised at the meeting by one of the CSCE participants as violations of the Final Act. In April of 1979, Commission staff members met with Reverend Chavis in the Orange County detention facility of the North Carolina State Department of Corrections. Later, they contacted the North Carolina Governor's chief counsel as well as Chavis' defense attorney. Commission staff had met earlier with Justice Department attorneys working on the case and received a detailed statement from the office of the Attorney General of North Carolina in August of 1978.

In October of 1972, Reverend Chavis, eight black youths and one white woman were convicted of unlawfully burning a grocery store and of conspiring to assault emergency personnel attending the fire. These incidents occurred during a period of high racial tension in the Wilmington, North Carolina community. In a 35-page reported opinion, the North Carolina Court of Appeals upheld their convictions. State v. Chavis, 24 N.C.App. 148, 210 S.E.2d 555 (1974). Based on the appellate court's decision, the Supreme Court of North Carolina denied a petition for a writ of certiorari in May of 1975. 287 N.C. 261, 214 S.E.2d 434 (1975). In January of 1976, the Supreme Court of the United States declined to review the action of the State courts. 423 U.S. 1080 (1976). The Wilmington Ten began serving their sentences in February of 1976.

In February of 1976, the defendants petitioned the United States District Court for the Eastern District of North Carolina for a writ of habeas corpus, which is a judicial inquiry into the legality of a person's restraint by the government. While the action was pending, two of the State's key witnesses recanted their trial testimony declaring they had lied at the trial. One of the witnesses was allegedly threatened as a result of his recantation. These developments prompted U.S. Attorney General Griffin Bell to order a Justice Department investigation. Though its inquiries did not support a criminal prosecution, the Department did discover possible improprieties on the part of both state and federal officials in obtaining testimony from trial witnesses. It continued its investigation into misconduct by the prosecution, including bribery of witnesses. A grand jury was convened to determine whether the civil rights of the Wilmington Ten had been violated. During the grand jury proceedings, a third witness recanted his testimony for the first time. The grand jury determined that evidence was not sufficient to support further action under existing criminal civil rights statutes. 18 United States Code, Sections 241, 242.

While the February of 1976 habeas corpus petition was pending in federal court, the Wilmington Ten also petitioned the North Carolina County Superior Court in which they were originally tried and convicted for a new trial. This motion was based on the witnesses' recantations. After a two-week hearing, the judge ruled that the Constitutional rights of the defendants had not been violated. This decision was unsuccessfully appealed to both the Court of Appeals and the Supreme Court of North Carolina.

Shortly after this denial of a motion for new trial by the county Superior Court, supporters of the Wilmington Ten sought other avenues of appeal -- petitions to the Governor of North Carolina and requests for further intervention by the Justice Department. The attorney for the defendants formally petitioned Governor Hunt on the Wilmington Ten's behalf for pardons of innocence. After examination of the case, including an inquiry into some of the facts by the State Bureau of Investigation and affirmation by the State appellate court of the local court's ruling on the motion for new trial, the Governor concluded that "there was a fair trial, the jury made the right decision and the appellate courts reviewed it properly and ruled correctly."

In January of 1978, the Governor determined that the sentences given the nine defendants still incarcerated should be reduced by approximately one-third. The decision to reduce, rather than commute these sentences, was defended in an extensive explanation and documentation of the State's case against the Wilmington Ten sent to the Commission in August of 1978. In this material, Assistant Attorney General Richard League pointed out that "a white person convicted of the same type crime against a black business a year later in Wilmington got life imprisonment."

In accordance with North Carolina law which provides that all prisoners are eligible for parole after serving one-fourth of their minimum sentence, the eight youths were all released in 1978. As a result of Hunt's actions, Reverend Chavis will be eligible for parole in January of 1980.

As a second alternate avenue of appeal, 60 members of Congress formally urged Attorney General Griffin Bell on June 17, 1977, to take further action in the case. Their letter specifically recommended that the Department file amicus curiae or "friend of the court" briefs with the North Carolina Appeals court. This court was considering arguments to reverse the county Superior Court's refusal to grant a new trial. The

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members also recommended that such a brief be filed with the United States District Court in Raleigh, North Carolina, the Court before which the February of 1976 habeas corpus petition was still pending. In addition, they asked that the Department recommend to the Governor of North Carolina that the 10 defendants be pardoned.

Continuing their exhaustive investigation and review of the case, the Justice Department took an unprecedented step in November of 1978 to present evidence it had obtained to the federal court hearing the habeas corpus petition. It filed an 89-page amicus brief with the federal district court which highlighted evidence found during the Justice Department and grand jury investigations. The brief dealt with the facts that the state's three key witnesses recanted their testimony, that "there is certain independent evidence which would corroborate the untruthfulness of their trial testimony, each of those witnesses has asserted that he was offered some inducement for his trial testimony, and the record contains evidence of unusual treatment afforded these witnesses by the prosecution." Though, as stated above, this evidence was not sufficient to support criminal charges against the prosecution, it did appear to the Department sufficient to merit a new trial. After reviewing voluminous court records and transcripts, particularly those of the county Superior Court, the Department felt: "Under the circumstances, it was incumbent upon the state court presiding over the post-conviction hearing to give more than passing consideration to the petitioners' contention."

In April of 1979, the Justice Department filed a second brief in response to a 112-page memorandum and recommendation prepared by a United States magistrate for the federal district court. The magistrate, an official responsible for assisting the court, concluded that the Wilmington Ten were fairly convicted. This conclusion was based also on a 71-page memorandum and recommendation filed earlier with the court. The Department reiterated the concern expressed in its first brief that there were "serious questions about the character of the evidence on which the conviction of these petitioners relies."

On June 20, 1979, the federal district court rejected the habeas corpus petitions filed by the Wilmington Ten in February of 1976. There were several reasons that the proceedings lasted for such a long time. One was the unusual intervention by the United States Government. The federal court also considered decisions made on motions and other actions filed concurrently by the Wilmington Ten in the North Carolina State courts. U.S. District Judge Franklin T. Dupree issued a memorandum of his decision on June 19, 1979, which rejected the notion that the Wilmington Ten had been unfairly convicted:

> "As stated before, the trial was not a perfect one, and in light of hindsight, doubtless many of the objections which have been raised could have and probably should have been obviated by different rulings at the trial level. That there was substantial credible evidence, both direct and circumstantial, supporting the jury's verdict, however, this court believes to be manifest on the entire record. The suggestion that to try ten persons for conspiracy to commit arson and assault on peace officers, crimes which indisputably were committed by someone, is to try them for 'political' crimes, is simply untenable."

The Commission highly commends the Justice Department, particularly Attorney General Griffin Bell and Assistant Attorney General Drew S. Days, III, for their vigorous efforts on behalf of Justice in the case of the Wilmington Ten. The arguments made as amicus curiae to the U.S. District Court, raise serious questions about the fairness of the defendant's convictions. At the same time, the Commission recognizes the paramount importance of an independent, impartial judiciary allowed to decide each case on its merits.

Allegations from Amnesty International

In November of 1977, Amnesty International released the names of 16 individuals who it felt were or may have been jailed in the United States because of their "beliefs, origins, or involvement with unpopular political groups." Shortly thereafter, Representative and CSCE Commissioner Millicent Fenwick (R.-N.J.) examined these allegations regarding American "prisoners of conscience" and asked appropriate U.S. and state attorneys general to explain the status of each case. Amnesty's list of individual cases has changed several times since 1977 because of its policy to drop all investigation of a case as soon as the alleged "prisoner of conscience" is released from jail whether by pardon, parole or completion of sentence. The Commission has decided to review all cases raised by Amnesty since 1977, including individuals released from prison, because several East European CSCE signatory states continue to charge that these cases raise serious questions about violations of human rights in the United States.

The Commission wishes to make special note of the distinctions that the Amnesty International Secretariat has drawn between prisoners "adopted," cases "under investigation by Amnesty International groups," and cases "under investigation by the International Secretariat." The status assigned individual cases seems to represent the amount of evidence accumulated, the extent of review given this evidence and the depth of conviction that the person named has been incarcerated because of his or her political beliefs or racial or ethnic origin. Though there are some clear criteria for "adoption" -- for example, the prisoner must have neither used nor advocated violence -- the organization has expressed its difficulty in identifying prisoners of conscience "in a country where there is no overt political imprisonment, but where it is suspected that many people may be 'framed' on criminal charges because of their political activity or ethnic origin...."[13] As a result of this difficulty, many of Amnesty's U.S. cases seem to remain in the "under investigation" category without a final determination that the individual is or is not a prisoner of conscience. As indicated above, an individual released from prison while "under investigation" by Amnesty has not been deemed a prisoner of conscience. Amnesty International merely closes that individual's file without determining whether the circumstances of prosecution or conviction would have eventually warranted his or her "adoption."

The cases raised by Amnesty International, as well as those mentioned later in this section of the compliance report, involve individuals charged with very specific and serious crimes. In each instance preliminary investigations by the prosecution revealed evidence sufficient for a grand jury to indict the accused. In every case the convicted defendants have been given repeated opportunities to air allegations of error at trial or on appeal. Numerous avenues of appeal allow each defendent to support his or her arguments that justice has been denied. Judges and juries must look to the totality of facts and circumstances to determine, on a case by case basis, whether an individual's rights have been protected. Reasonable persons can, of course, reach different conclusions after reviewing the same facts and circumstances; procedures exist, therefore, to review lower courts' findings and to introduce new evidence or legal arguments not available during initial court proceedings.

The Commission has reviewed the cases against the Wilmington Ten, Imari Obadele, also known as Richard Bullock Henry, the Charlotte Three, David Rice and Edward Poindexter, Gary Tyler, Lee Otis Johnson, Eva Kutas and Ray Eaglin, Elmer Pratt, Russell Means, Richard Mohowk and Paul Skyhorse, Leonard Peltier, and Dennis Banks. It has queried the Civil Rights Division of the Department of Justice, state attorneys general, defense attorneys, and in some cases the accused themselves, as to their status. The results of these inquiries to date are as follows:

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[13] Amnesty International Annual Report: 1977, page 162.

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Cases "Adopted"

-- Nine of the Wilmington Ten, discussed in detail above, have been released on parole. Reverend Ben Chavis, currently enrolled at Duke University Divinity School on a study-release program, will be eligible for parole in January of 1980.

-- Imari Obadele, president of an organization called the Republic of New Africa (RNA) claiming to be an independent foreign nation, was convicted in 1973 of conspiracy to assault a federal officer. He is serving a 10-year sentence and will be eligible for parole in February of 1980. The Supreme Court denied Obadele's request for review of his case in 1977.

The conviction stems from a 1971 shoot-out at RNA headquarters in Jackson, Mississippi, between local police, federal agents and members of the Republic of New Africa. One police officer was killed; one FBI agent and another local policeman were injured. Federal and local officials came to the headquarters at 6:30 a.m. to issue a federal felony fugitive warrant and three local misdemeanor arrest warrants. Amnesty concludes that "because Obadele was not present at the headquarters during the surprise police raid and therefore could not have had any prior knowledge of the assault," he was found guilty on the basis of his association with the RNA.

The Fifth Circuit Court of Appeals reasoned that under federal conspiracy laws, Obadele's "presence and participation in the shoot-out were not necessary to support his conviction under the conspiracy count.... The overwhelming evidence shows that this tragedy would not have taken place except for the work of Obadele ." Obadele had supervised various "security" and "combat-win procedures" to be used in the event of a "raid" on the RNA headquarters. United States v. James, 528 F.2d 999 (5th Cir. 1976).

In response to a complaint about FBI harassment of the RNA, the Chief of the Criminal Section of the Civil Rights Division of the Justice Department personally reviewed the FBI's Counterintelligence Program (COINTELPRO) files in 1975 with respect to Obadele and the RNA. He found no evidence that the FBI was criminally responsible for any misconduct against the RNA or its members. The Civil Rights Division has decided to review the case again to determine whether there is some legal basis for Justice Department involvement. Various appeals are pending on behalf of Obadele and co-defendant Addis Ababa (also known as Dennis Shillingford).

-- T.J. Reddy and James Earl Grant, Jr., two of the "Charlotte Three" convicted in North Carolina courts in 1972 of a 1968 stable burning, have been released on parole as the result of a reduction of their sentences by order of Governor James Hunt of North Carolina. Both men had petitioned the Governor for executive clemency after exhausting all legal appeals through state and federal courts. Charles Parker, the third defendant in the case, was paroled in December of 1975. He was convicted on separate charges of larceny in April of 1978, but was paroled again on March 8, 1979.

Amnesty International has concluded that charges were brought against these men because of their political involvement in the Charlotte community. They cite evidence that the state's chief prosecution witnesses received large amounts of money and promises of immunity from prosecution in exchange for their incriminating testimony. The Fourth Circuit Court of Appeals addressed this issue extensively in its opinion denying the defendants' petition for federal habeas corpus relief. Reddy v. Jones, 572 F.2d 979 (4th Cir. 1977). The Department of Justice Civil Rights Division indicates that there appears to be merit to the petitioners' claims.

Cases "Under Investigation by Amnesty International Groups"

-- David Rice and Edward Poindexter were convicted in Nebraska State courts for the first degree murder of an Omaha police officer. The officer was killed by a bomb explosion while investigating an empty house in response to an anonymous telephone call. They are serving life sentences and are not eligible for parole unless there are commutations of their sentences by Nebraska State authorities.

Both Rice and Poindexter were leaders in the Omaha chapter of the National Committee to Combat Fascism (NCCF). Duane Peak, a 15-year-old and the state's key witness, was also a member of the NCCF. A search for the prime suspect, Peak, led police to Rice's home where, after obtaining a warrant to search for explosives and illegal weapons, they discovered dynamite, blasting caps and other materials used in making bombs. Rice and Poindexter's convictions were based in large part on this evidence.

In seeking to overturn his conviction, Rice challenged the Constitutionality of the police search which led to the incriminating evidence introduced at his trial. Though the Federal District Court of Nebraska and the Eighth Circuit Court of Appeals both declared the search unconstitutional, the U.S. Supreme Court reversed the rulings and held that "where the state has provided an opportunity for full and fair litigation of a Fourth Amendment claim, a state prisoner may not be granted federal habeas corpus relief on the ground that evidence obtained through an unconstitutional search and seizure was introduced at the trial." Stone v. Powell, 428 U.S. 465 at 494 (1976). After reviewing the facts of the case, as they relate to this issue, the Justice Department told the State Department: "The search of Mr. Rice's residence, declared unconstitutional by the federal court and the Eighth Circuit, was apparently based primarily on Mr. Rice's political involvement. Neither he nor Mr. Poindexter have any legal remedies available to them to challenge this search and vindicate their Constitutional rights in light of the Supreme

Court ruling in Stone v. Powell, supra." While judicial remedies may not exist to require exclusion of this evidence in a fair trial proceeding, legislative remedies have, in fact, been introduced which will effectively override Stone v. Powell and conceivably have a bearing on the convictions. H.R. 2201 has been referred to the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Judiciary Committee.

Amnesty alleges that Peak had "admitted placing the bomb and calling the police to the site. Shortly after the killing, he had told his sister he was responsible and that he had acted alone. After his arrest, he made two or three sworn statements to the police, none of which implicated David Rice or Edward Poindexter.... There is reason to believe that the deputy chief prosecutor came to an arrangement with Duane Peak's lawyer by which Peak would be allowed to plead guilty to lesser charges in exchange for turning state's evidence against Rice or Poindexter." Peak admitted before the jury that he had made the phone call and planted the bomb in the suitcase; his testimony implicated Rice and Poindexter in the plot. The Nebraska Supreme Court rejected Rice's argument that this evidence, together with the physical evidence discovered at Rice's home, was insufficient to convict him. State v. Rice, 188 Neb. 728, 199 N.W. 2d 480 (1972).

Though the Supreme Court denied Rice's petition for relief based on his Fourth Amendment claim, he has not exhausted all legal remedies. He is currently appealing a decision by the district court of Nebraska that dismissed his petition for habeas corpus relief. Edward Poindexter has no appeals pending at this time.

-- Gary Tyler was convicted of first degree murder and sentenced to death under a mandatory penalty for the fatal shooting of a white youth during a school busing riot. He was resentenced in March of 1977 to life imprisonment after Louisana's death penalty was declared unconstitutional by the United States Supreme Court. At the time of the shooting, Tyler was 16 years old. Under Louisiana law, a juvenile committing a crime of this nature must be tried in criminal court.

Amnesty formally decided to investigate Tyler's case after the State's key witness, Natalie Blanks, recanted her testimony. The Supreme Court of Louisiana examined the issue of this witness' credibility and concluded that "Natalie's testimony at trial was proven reliable by her statement to the police giving the location of the hidden gun.... Other evidentiary facts, both physical and testimonial, also support Natalie's trial testimony.... Where credibility is involved the trier of fact is undoubtedly better situated to make the determination ...." State v. Tyler, 342 So.2d 574 at 588 (La. 1977).

The U.S. Supreme Court denied Tyler's petition of writ of certiorari or review on May 16, 1977. He subsequently filed a petition for habeas corpus relief which is pending before the U.S. District Court for the Eastern District of Louisiana.

The Civil Rights Division of the Department of Justice reviewed Tyler's case in January of 1978, but closed its file on February 9, 1979, because of lack of evidence to justify a criminal civil rights investigation. The Division plans to review the habeas corpus petition filed in July of 1978 in order to determine whether there is any basis for further Justice Department involvement.

-- Lee Otis Johnson was convicted on burglary charges in 1975 and sentenced to 17 years in prison. The case against him is "under investigation" by Amnesty International, who "adopted" him in 1970. At that time, Amnesty felt a 30-year sentence given to Johnson for passing one marijuana cigarette to an undercover police agent was attributable to his involvement with the Student Non-violent Coordinating Committee (SNCC). Johnson was released in 1972 following a federal district judge ruling that he be released or retried within 90 days primarily because pre-trial publicity had jeopardized his Constitutional right to a fair trial

The 1975 criminal conviction was sustained by the Texas Criminal Court of Appeals in 1977 and then appealed to the United States Supreme Court. The Supreme Court denied the petition for review of the case. Johnson v. Texas, 434 U.S. 997 (1977).

Amnesty's allegation that Johnson's written confession resulted from coercion was not raised by his counsel during the trial. The Court of Criminal Appeals of Texas, in discussing the effectiveness of the attorney who represented Johnson at trial, explained: "At the *Jackson v. Denno* hearing a pre-trial hearing required by statute in Texas to determine whether a confession is admissable appellant told a highly unbelieveable story as to his beatings and mistreatment at the hands of the officers. The court did not believe him, and it may be that counsel believed appellant's credibility would have been prejudiced by repeating such account in the jury's presence." *Texas v. Johnson,* No. 53110 (Tex. Crim. App., filed June 1, 1977). At this pre-trial hearing, the State had to produce evidence that the confession was not coerced.

The Civil Rights Division of the Justice Department reports that it has no record of a request for a criminal civil rights investigation. The reason for this, presumably, is that the case was under the jurisdiction of the State of Texas and no allegations of possible civil rights violation were brought to the Division's attention.

-- Eva Kutas and Ray Eaglin, convicted in 1974 of harboring and concealing and conspiring to harbor and conceal an escaped federal prisoner, have been released from prison. Amnesty alleges that the evidence used to convict the defendants was insufficient and suggests that their prosecution resulted from their involvement in the Eugene Coalition, an organization "involved in community cooperatives, prisoners' rights, and third world struggles." Kutas completed her sentence and Eaglin was released on parole before Amnesty was able to review transcripts of the court proceedings.

Arguments disputing the sufficiency of the evidence used to convict Kutas and the effectiveness of the attorney who represented her at trial were heard by the Ninth Circuit Court of Appeals and addressed in United States v. Kutas, 542 F.2d 527 (9th Cir. 1976). Eaglin also raised these issues in appealing his conviction to the Ninth Circuit in United States v. Eaglin, 571 F.2d 1069 (9th Cir. 1977). To the Commission's knowledge, neither defendant produced evidence to substantiate their claim that Joan Coberly, a co-conspirator, falsely implicated them. Amnesty felt that her testimony was not credible because she was allegedly "given immunity from all federal prosecution in exchange for her testimony."

Assistant U.S. Attorney Kristine Olson Rogers of Portland, Oregon, informed the Commission that additional evidence has been discovered which further substantiates Kutas and Eaglin's participation in the crime. The Civil Rights Division of the Justice Department informed the Commission that it had "no record or knowledge of this matter."

Cases "Under Investigation by the International Secretariat"

-- Elmer Pratt was convicted in 1972 of murdering and robbing a Santa Monica woman in 1968. He is currently serving a life sentence in San Quentin prison in California. The evidence introduced at trial included positive identification of Pratt by the victim's spouse.

Amnesty's interest in this case stems from Pratt's former involvement with the Black Panther Party. He served as Deputy Defense Minister and one of six members of the Panther National Committee. He was convicted of conspiracy and possession of illegal weapons following a four-hour shoot-out between Los Angeles police and Black Panthers at Panther headquarters in December of 1969. While serving his term, Pratt was charged and convicted of the murder and robbery which had occurred four years earlier. Amnesty has raised questions about the accuracy of the identification made by the victim's spouse.

The Civil Rights Division of the Justice Department reported that it has no record or knowledge of the case. Appeals to the California Supreme Court in 1973 were unsuccessful. Pratt has not appealed his case to the federal courts.

Margaret Ryan, attorney for Pratt, informed the Commission that a petition for habeas corpus or a motion for a new trial will be filed based on newly discovered evidence and/or evidence that was wrongfully withheld from Pratt by the prosecution. Pratt maintains that FBI surveillance files withheld from him at the time of his trial could document his presence at Black Panther meetings in Oakland, California, during the time of the Santa Monica murder.

-- Russell Means, National Director of the American Indian Movement, was paroled on July 27, 1979. He began serving a four-year sentence in November of 1977 for "rioting to obstruct justice." The statute under which he was convicted was repealed one year later but was not effective retroactively.

Amnesty International did not give the Commission their specific reasons for considering this case. Means has gained national and international attention because of his leadership in the American Indian Movement (AIM) and the 1973 seige of Wounded Knee, South Dakota. The charges against him for his participation in the seige were dismissed on September 16, 1974, in large part because of inadequate handling of the case by the prosecution. United States v. Means, 383 F.Supp. 389 (W.D. So.Dak. 1974). His recent conviction stemmed from a riot which occurred during the Wounded Knee trials.

When queried about possible civil rights violations in this case, including allegations that Means was threatened by guards while in prison, the Justice Department informed the Commission: "The latest incident was an assault on Means by another inmate, which we have no authority to prosecute. No evidence has been brought to our attention indicating inaction by local authorities.... Russell Means was imprisoned in July of 1978 after having exhausted all legal remedies." He served one year of his four year term and was involved in a work release program from November of 1978 until his release.

-- Richard Mohawk and Paul Skyhorse were acquitted of murder charges by a California court on May 25, 1978. Amnesty was involved in this case as a result of claims that these men were prosecuted because of their membership in the American Indian Movement (AIM) and were mistreated and denied adequate medical assistance by Ventura County officials while awaiting trial. Amnesty dropped the case as soon as Skyhorse and Mohawk were acquitted, but others continued to point out the fact that the defendants spent more time in pre-trial detention than any accused in California's history. The Civil Rights Division of the Justice Department informed the Commission that no complaints were ever brought to its attention by the defendants or their attorneys. However, the Indian Rights Section of this Division did respond to letters from persons and organizations supporting the defendants' cause.

The Commission learned that during the time Skyhorse and Mohawk were incarcerated, the Constitutional Rights Section of the Los Angeles Office of the State Attorney General was conducting an independent investigation of general abuses in the administration of justice in Ventura County. The defendants were transferred to Los Angeles County jail when a change of venue motion was granted by the court. When asked about the length of time Skyhorse and Mohawk spent in pre-trial detention, a Ventura County Assistant Attorney General explained that the defendants had caused the delay: "In California, defendants have an absolute right to be tried within 60 days or have the charges against them dismissed. The trial date was postponed approximately five times and on each occasion the defendants had asked for a continuance, and on each occasion the prosecution opposed the continuance."[14]

-- Leonard Peltier, a member of the American Indian Movement, was serving two consecutive life sentences for the murder of two FBI agents at Pine Ridge Indian Reservation in South Dakota prior to his escape from federal prison on July 21, 1979. Peltier has been listed by Amnesty's New York Office as a possible prisoner of conscience.

The only allegation of miscarriage of justice brought to the Commission's attention involves the FBI's misuse of affidavits in securing Peltier's extradition from Canada. The Eighth Circuit Court of Appeals addressed this issue and concluded: "Peltier does not claim that he was extradited solely on the basis of Myrtle Poor Bear's affidavits or that the other evidence presented to the Canadian tribunal was insufficient to warrant extradition. It is clear from a review of the trial transcript that other substantial evidence of Peltier's involvement in the murders was presented in the extradition hearings...." *United States v. Peltier,* 585 F.2d 314 (8th Cir. 1978).

Peltier was convicted by a jury in the United States District Court of South Dakota on June 25, 1975, for the murders and in 1978 appealed this conviction to the Eighth Circuit Court of Appeals. As indicated above, the court affirmed his conviction on September 14, 1978, and denied a motion for rehearing on October 27, 1978 The United States Supreme Court denied Peltier's petition for review of his case on March 5, 1979.

-- Dennis Banks, also a leader in the American Indian Movement, is free in California today. Amnesty dropped investigation of the case in 1976 when Banks fled to California while released on bail. The Supreme Court of California held in March of 1978 that Governor Edmund G. Brown's refusal to extradite Banks to South Dakota was Constitutional. *South Dakota v. Brown,* 20 Cal.3d 765, 576 P.2d 473 (1978). Banks was convicted in South Dakota courts in 1975 on arson, riot and assault charges stemming from a 1973 incident in Custer, South Dakota.

In its *International Report: 1975-1976,* Amnesty suggested that Banks had been prosecuted because of his involvement in AIM. Charges against Banks brought by the State of Oregon were dismissed before trial by the federal judge hearing the case. The only other prosecution of which the Commission is aware resulted from Banks' participation in the s^e^ige of Wounded Knee, South Dakota. The federal district judge hearing the case against Banks and Russell Means dismissed the charges because of mishandling of the prosecution by the government attorneys. United States v. Means, 383 F.Supp. 389 (W.D.So.Dak. 1974).

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[14] Correspondence dated September 13, 1977, between Congressman Robert Lagomarsino (R.-Calif.) and Assistant Attorney General Michael Bradbury.

Allegations from Other CSCE States

Cases of alleged political prisoners raised by other CSCE states during and after the Belgrade review meeting include: Johnny Harris, Delbert Tibbs, Assata Shakur (also known as Joanne Chesimard) and George Merritt. Most of these individuals are in the process of appealing their convictions. It should be noted that these allegations have generally gone little beyond naming the individual. They have lacked the specificity of charges made by Amnesty International. Despite the hazy nature of some of the allegations, the Commission has been able to determine the following facts:

-- Johnny Harris has been sentenced to death for murdering a prison guard while serving a life sentence. Soviet critics have contended that he is a political victim of U.S. racism. In keeping with the organization's blanket condemnation of capital punishment, Amnesty regards Harris as a victim of what it has defined as cruel and unusual punishment -- not as a political prisoner of conscience. The date of execution has not been set because of numerous appeals pending before state and federal courts.

Harris was sentenced to five consecutive life sentences in 1971 after pleading guilty to one count of rape and four counts of robbery. The attorney now handling his case contends that Harris was persuaded to plead guilty to these charges by incompetent counsel. These allegations of malpractice by the trial attorney are being litigated in the 10th Judicial Circuit in Jefferson County, Alabama.

The Alabama Supreme Court affirmed Harris' conviction and sentence in 1977. In March of 1978 and February of 1979, Harris filed petitions in the 28th Judicial Circuit in Baldwin County which allege that he was denied his right to a fair trial because members of the juries which indicted and convicted him were unconstitutionally selected and because the outcome of his trial was influenced by prejudicial pre-trial publicity. The petitions also allege that the prosecution unconstitutionally withheld evidence favorable to Harris' defense, that prison officials suppressed testimony of a witness which would have exculpated Harris and that Harris was unconstitutionally denied effective assistance of counsel during the murder trial. Finally, they challenge the death sentence on grounds that "its application is based upon a pattern and practice of invidious discrimination based on race and sex." These appeals are still pending before the court. Should the petitions be denied by the Alabama Circuit Court, numerous avenues of appeal remain open to Harris.

The Civil Rights Division of the Justice Department reports that it has "...already reviewed allegations that there was a state-engineered conspiracy to use perjured testimony against Harris." Its attorneys examined "the transcript of the state murder trial of Johnny Harris in 1975, transcripts of other individuals prosecuted for participation in the Atmore uprising of January of 1974," Justice Department records concerning the death of one of Harris' co-inmates during that riot, and a recent affidavit of another co-inmate concerning Harris' culpability in the murder of the prison guard. They did not find any basis for a criminal civil rights investigation but have stated: "If additional information is provided to us indicating that there is in fact a basis for further investigation, we will revisit the matter and initiate appropriate action."

-- Delbert Tibbs is out of prison on bail while awaiting a second decision on his case by the Florida Supreme Court. He was convicted of rape and murder charges in 1974 and was sentenced to death one year later. The Florida Supreme Court ruled in 1977 that Tibbs should be either released or retried because the evidence used to convict him was not sufficient. In July of 1978, a Florida Circuit Court Judge dismissed the charges against Tibbs in light of constitutional protections against double jeopardy -- that is, placing a person in jeopardy of conviction twice for the same offense. The Second District Court of Appeals reversed this ruling based on a different interpretation of this constitutional protection and directed a new trial. As noted above, Tibbs is in the process of appealing this last decision to the Florida Supreme Court.

-- Assata Shakur is serving a life sentence for the first degree murder of a New Jersey State trooper. She has received special attention in the press of Eastern CSCE countries because of her former activities in the Black Liberation Army. Her participation in the shoot-out on the New Jersey Turnpike is not disputed. Unsubstantiated allegations have been made, however, that Shakur is a victim of a nationwide governmental plot to persecute black activists. While Shakur was arrested and charged with robbery on three occasions from 1973 to 1977, she was acquitted by the courts each time. She is currently appealing her murder conviction on a number of grounds including errors in the jury selection process and in the trial court's denial of a change of venue motion. These alleged errors resulted from prejudicial pre-trial and during-trial publicity.

-- George Merritt was convicted in October of 1967 of the murder of a Plainfield, New Jersey, police officer. In 1972 Merritt's conviction was reversed and a new trial was ordered by the New Jersey Supreme Court on several grounds, one of which was that instructions to the jury on conspiracy charges were misleading. *State v. Merritt*, 61 N.J. 377, 294 A.2d 609 (1972). A second trial was held in 1974 and Merritt was again found guilty of first degree murder and sentenced to life imprisonment. On appeal, this second conviction was reversed and a new trial was ordered once again. In September of 1977, Merritt was tried by a jury for the third time and was again convicted and sentenced to life imprisonment. This third conviction was upheld by the New Jersey Appellate Division on March 13, 1979. The New Jersey Supreme Court denied a petition for review of the case on May 30, 1979.

Merritt has served 10 years of his life sentence and will be eligible to be considered for parole in 1983 or 1984. General allegations have been made that Merritt is a political prisoner whose appeals for clemency are being ignored by the Federal Government and by the Governor of New Jersey, Brendan Byrne.

Governor Byrne denied Merritt's petition for executive clemency in January of 1979 because the issues Merritt was raising had not been resolved by the courts. He indicated at that time, however, that if the court's opinion raised additional issues, he would then waive the two-year period usually required before filing a second petition for executive clemency. As of July of 1979, Merritt has not filed a second petition.

Role of the Justice Department

After reviewing the comprehensive examination of the Wilmington Ten case by the Justice Department, the Commission is concerned that similar investigations have not been initiated in other cases where the possibility exists that individuals may have been convicted of a crime because of their political beliefs. The Commission requested information on 16 other alleged political prisoner cases from the Civil Rights Division of the Justice Department. Apparently, in no other instance has the Department taken such extensive action. In very few of the cases had a criminal civil rights investigation been initiated, nor did any of those that were conducted lead to any legal action. Furthermore, the Civil Rights Division had no file on or knowledge of many of the cases.

In responding to these points, the Department stated that most of the cases submitted did not involve criminal civil rights matters under its jurisdiction. The Department explained that "our investigation of some of these cases has been very limited due to the narrow scope of our jurisdiction to prosecute violations of civil rights in which the perpetrator is acting under color of law or as part of a conspiracy to deprive a citizen of his or her rights. There may well be, therefore, human rights violations over which we have no jurisdiction and also very little information."

No other federal agency, including the U.S. Civil Rights Commission, appears to have legal responsibility or authority to investigate claims that individuals' Constitutional or statutory rights have been violated in the course of state or federal proceedings. As the Civil Rights Division's activity in the Wilmington Ten case demonstrates, proof of willful misconduct by state or federal officials is not required for the Justice Department to enter a case.

Justice Department officials have been careful to downplay the significance of the amicus curiae role adopted in the Wilmington Ten case. They say that prior Department involvement enabled it to demonstrate a direct "federal interest" and thus appeal on the defendant's behalf as a friend of the court. In testimony before the Commission, Deputy Assistant Attorney General John Huerta stated: "In most state criminal proceedings ...the Department has no authority to investigate or otherwise become involved in circumstances surrounding the prosecution." In these circumstances, given the need to examine more cases of possible civil rights violations, it appears that the Justice Department requires expansion of its investigative authority for cases which do not fall clearly within existing statutory guidelines.

It is possible that the Civil Rights Division's initial comparison of U.S. civil rights statutes with international laws may enable the Department to formulate a set of principles or guidelines under which possible violations of binding international standards would constitute a federal interest. Establishing such an interest may enable the Department to enter certain cases as an amicus curiae. The successful development of this concept would not only permit the Justice Department to take a more effective role in safeguarding human rights domestically but also would improve American awareness of and compliance with the Helsinki Final Act and other international agreements.

In light of U.S. commitments under the Final Act and other international agreements, the Commission feels the Justice Department does not devote sufficient resources to the task of monitoring possible human rights violations. The assignment of a team of lawyers to assess human rights complaints received from domestic and international sources and to arrange FBI investigations of these matters where appropriate would be a possible solution to this problem within present statutory guidelines. As stated in the introduction to this section, initial efforts by the Justice Department to establish a mechanism to handle alleged violations seem promising. However, additional information is needed to determine whether sufficient grounds exist to warrant federal involvement in these cases and to decide what types of federal action would be most effective.

Action by Other Groups

Private civil rights organizations within the U.S. can take a more assertive and constructive role by publicly and officially raising the cases of individuals whom they feel have been deprived of their rights under the Helsinki Final Act. Complaints of human rights violations can be submitted directly to the Civil Rights Division of the Justice Department for investigation. As suggested in the introduction to this section, the U.S. Commission on Civil Rights is becoming more involved in monitoring individual human rights cases. Although the Civil Rights Commission does not have the authority to resolve individual human rights complaints, it could be particularly effective in bringing cases of possible violations to the attention of the Justice Department, which does have the power to enforce the law.

Conclusion

It is appropriate in fulfilling our statutory mandate to monitor the compliance of all signatory states with the Final Act that the Commission look into specific cases and allegations regarding the United States' own performance. The Commission has therefore examined, to the extent possible within its limited means, allegations made by certain other CSCE states and other critics that the Wilmington Ten and others convicted of criminal activity are "political prisoners." We cannot state conclusively that there have not been varying degrees of racial discrimination or localized political motivation in accusing, arresting and prosecuting certain of these individuals or in meting out unusually harsh sentences. In the case of the Wilmington Ten, while criminal conduct did occur, there is at least a very strong possibility, supported by the action of the Justice Department, that Reverend Chavis and his co-defendants were convicted on evidence insufficient to establish their participation in the criminal activity. However, there is no evidence to indicate that the Federal Government, which bears primary responsibility for U.S. compliance with the Helsinki accords, has ever initiated or condoned such actions.

In any event, it is clear that in every case researched by the Commission, the defendants have been afforded full use of the protections and appellate opportunities of the American judicial system. It is evident from our review of the cases raised by Amnesty and other CSCE states that accused persons have full access to substantive and procedural safeguards and to legal counsel. In all cases, they are afforded numerous appeals by both state and federal courts. Several persons were acquitted by juries; others had charges against them dismissed because a judge felt evidence submitted by the prosecution was inadequate. In still other cases, prisoners have successfully petitioned the executive branch of the state and/or federal government for clemency or pardon. The Wilmington Ten and the Charlotte Three are among the more widely publicized individuals who received early paroles as a result of their petitions.

In addition to governmental protections of fundamental rights, private civil rights organizations, international groups such as Amnesty International, and the American press have been extensively involved on behalf of many alleged political prisoners. The interest of these groups and other safeguards including the right of hearing and appeal does not guarantee that there have not been and never will be cases of political prisoners in the U.S.. However, it does ensure that victims of injustice can find remedy and that such cases will not be buried and forgotten.

The Commission is aware that most of these alleged political prisoners are members of minority groups which are on the lower end of the U.S. economic ladder. Countless studies of American social patterns reveal the problems still faced by blacks, Indians, Hispanics and other minority groups. While the United States continues to take extraordinary steps to increase respect for and protection of the rights of these minorities in accordance with Principle VII, there are pressures for even more rapid social and economic changes. Many of the individual prisoners whose cases have been publicized by Amnesty and by other CSCE states have been frustrated by what they regard as inadequate responses to these pressures. In all of these cases, juries of peers and numerous courts reviewing the evidence have concluded that the individual charged translated his or her frustration into criminal conduct. Civil and political activism and promotion of social change is fostered by the American system of government. However, criminal violence and deprivation of the rights of others in order to achieve change, however desirable, cannot be condoned.

In light of the study conducted thus far into the cases of alleged political prisoners, the Commission felt the Justice Department should establish a more effective mechanism to review cases brought to its attention by the CSCE Commission, the State Department, Amnesty International, reputable private groups or other CSCE signatory states. Such a mechanism might include the establishment of a special unit within the Civil Rights Division to investigate and respond to cases raised as possible violations of the Helsinki Final Act or other international agreements. The efforts to establish this mechanism should be closely coordinated with those of the Civil Rights Commission.

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The Commission believes the Justice Department should examine its present authority and, if necessary, seek legislative action which would expand its jurisdiction in civil rights investigations. Such legislation might include expansion of the Department's role as amicus curiae, that is, one who, though not party to a lawsuit, assists the court in deciding the case.

Furthermore, in light of the issues raised by Amnesty International concerning the cases against David Rice and Richard Poindexter, the Commission encourages current efforts in Congress to define more clearly the areas in which federal courts must grant habeas corpus relief.

Finally, the Commission feels the Justice Department should consider reallocating its resources in order to be able to investigate cases such as those clearly controversial ones "adopted" by Amnesty International. These cases should be examined with the same vigor and commitment evident in the case of the Wilmington Ten.

PERSONS IN CONFINEMENT

The obligation of CSCE states regarding persons in detention -- either in prison or in mental institutions -- is included in Principle VII of the Helsinki Final Act as it refers to the Universal Declaration of Human Rights. The rights of persons in detention are also encompassed in other provisions of Principle VII relating to human rights and fundamental freedoms.

The prison system and mental institutions in the United States present a number of serious problems which affect U.S. obligations under the CSCE Final Act. According to observers in other CSCE states and informed U.S. critics, the major problems include severely overcrowded institutions, inadequate programs for inmates and insufficient numbers of community-based programs. These charges, as well as other aspects of institutional care, will be discussed in this section.

Most observers agree that improvement is needed in both the prison system and mental institutions. There is also agreement that efforts are being exerted on the federal, state and local levels to bring about improvement and that progress, particularly in the area of individual rights, is being made. At the same time, it seems fair to say that there is some disagreement on the best means to resolve remaining problems.

The U.S. is trying to achieve greater respect for the rights of all persons, including those confined in penal and mental institutions. At the same time, further efforts are needed if the U.S. is to remain faithful to its CSCE commitments.

Prisons

A wide range of domestic groups, as well as foreign observers, have called for prison reforms in the United States. These critics say that a variety of serious problems undermine the effectiveness of U.S. penal institutions and, in certain instances, deprive inmates of their rights. The major problems most commonly cited are: overcrowding, antiquated facilities, inadequate educational and training programs, insufficient administrative personnel, incidents of brutality, racial discrimination and inadequate attention to the needs of female and juvenile offenders.

Overcrowded Conditions

Overcrowding in prison facilities is a recognized problem in both state and federal prison systems. In 1977, a survey conducted in 30 states revealed that 155,078 inmates were incarcerated in cell-space designed for 150,089. According to the Federal Bureau of Prisons, at the end of Fiscal Year 1978 there were 27,675 people living in facilities designed for 22,817. These overcrowded conditions meant that two inmates often lived in single cells, or that prisoners had to live in temporary space which was originally designated for recreational or other purposes.

Alleviation of overcrowded facilities is a complex problem. One solution is to build more prisons. Since 1975, the Federal Bureau of Prisons has opened a number of new prisons and short-term detention centers. Today, there are 38 prisons, penitentiaries, prison camps and temporary detention facilities in the Federal Bureau of Prisons.

Another method of dealing with the problem of overcrowding is through increased reliance on community-based programs. Such an approach is favored by advocates of more fundamental reform in the U.S. prison system. The Federal Bureau of Prisons has increasingly turned to such community-based programs as probation, parole, furloughs, work and study release, drug aftercare programs and community treatment centers.

The Federal Bureau of Prisons' increased reliance on community facilities as a remedy to overcrowding has resulted in a considerable reduction in the population of federal prisons. For example, between 1977 and 1978, the proportion of all offenders discharged from prisons to federal and contract community centers rose from 39 to 46 percent. During the same period, the number of inmates participating in such federal programs increased from 7,500 to 10,000. In fact, of the 96,000 current federal offenders, only 30 percent are in federal institutions, while 70 percent are in community programs such as probation or parole. The Federal Bureau of Prisons has also liberalized its furlough program. In 1975, 19,810 inmates were given furloughs; while in 1978, 24,500 inmates were granted furloughs to spend time with their families for study and for other purposes.

By the end of 1978, the number of Federal Bureau of Prisons' contracts with halfway houses operated by state, local or private agencies had increased from 350 to 425. In addition, the Federal Bureau of Prisons runs nine community treatment centers, also known as halfway houses. These centers provide extensive services for certain offenders during the latter months of their terms. They are also used by people serving short sentences, for unsentenced offenders in the Pre-Trial Services Program and for others under community supervision. The personnel at these halfway houses assist people in building ties with the community, getting jobs, advancing their education and dealing with personal problems. Indeed, from 1975 to 1978, the number of inmates involved in federal community treatment centers and halfway houses rose from 2,750 to about 10,000.

Racial Discrimination

It is not surprising that prisons mirror larger socio-economic problems of U.S. society. According to the Law Enforcement Assistance Administration (LEAA), there is a disproportionate number of blacks in the U.S. prison system. The most recent survey, conducted in 1974, estimates that of a total of 191,400 people in state correctional faciiities, whites constituted a bare majority of 51 percent; blacks, although they are only 11 percent of the population at large, represented 47 percent of the prison population. Other racial groups, mainly American Indians and Orientals, accounted for two percent of the prison population.

A survey conducted by LEAA in 1972 revealed that bail had been denied to about one-fourth of all inmates awaiting trial and that bail status was in close relation to the severity of the alleged crime. For example, 54.8 percent of all bail refusals were in cases of charges of murder and kidnapping. Thus, it seems that denial of bail is more closely related to the severity of the alleged crime than to considerations of race.

Recent cases brought by the American Civil Liberties Union (ACLU) National Prison Project against various Louisania Parish jails -- in which the Civil Rights Division of the U.S. Justice Department acted as plaintiff-intervenor -- also charged racial discrimination in inmate housing. Consent decrees were handed down pertaining to the operation of six of these Parish jails, and local officials have agreed to cease the discriminatory practice.

Service and Rehabilitation Programs

In 1978, $15,289,000 was allocated by the federal prison system for education, training and leisure activity programs for inmates. Staffed by 500 personnel in 38 institutions and other offices of the Federal Bureau of Prisons, these programs helped inmates acquire marketable skills and develop ways of coping with readjustment problems. For example, during 1977, there were 64,618 prisoners enrolled in federal programs for education and vocational training. Only 21 percent of these enrollments were terminated without completion. In 1977, 224 inmates received college degrees.

Vocational and occupational training and apprenticeship programs are also organized by the Federal Bureau of Prisons. At present, there are 116 programs in 41 different trades in 18 institutions. In addition, various leisure activities are available to inmates at federal prisons.

In 1977, the Federal Bureau of Prisons set up 11 new Federal Prison Industries to provide employment opportunities and income for more inmates. In 1978, Federal Prison Industries had 75 industrial operations in 35 institutions and employed an average of 6,700 inmates (compared to 6,094 in 1977). Increased sales to other government agencies during the fiscal year amounted to approximately $94,700,000; inmate wages increased to $7,300,000; and payment to other inmates for meritorious services amounted to nearly $2,500,000 (compared to $1,992,359 in 1977).

Other programs of the Federal Bureau of Prisons include religious services in which outside clergy, working under contract and assisted by 3,600 community volunteers, provide a variety of religious services.

In 1977, after a six-month trial period, the Federal Bureau of Prisons issued a new media policy which permits reporters to interview any inmate in custody, if the inmate agrees. In addition, under the Freedom of Information Act, prisoners are entitled to inspect portions of their record files. Under the Privacy Act of 1974, inmates are protected against unauthorized disclosure of private information about their lives.

In another move to facilitate contacts between prisoners and the outside world, the Federal Bureau of Prisoners adopted a policy that inmates can send postage-free letters to members of the press, Congress and the courts. Such letters cannot be opened by the prison administration. However, Director of the Federal Bureau of Prisons Norman Carlson has proposed an economy cutback in this program. He has proposed that the franking privilege be restricted to five first-class stamps per month and free stamps be provided for prisoners who are indigent. According to Carlson, most prisoners in the federal prison system earn about $1,100 a year and can afford to buy their own stamps.

In 1975, the Federal Bureau of Prisons implemented an Administrative Remedies Procedure as a way of helping inmates raise complaints or issues for administrative review. The Bureau set up a review procedure under which complaints are first examined by the local administrator. The cases are then appealed to the regional office and they are finally sent to the Washington office of the General Counsel of the Federal Bureau of Prisons. From 1975 to 1978, the number of inmates that used this procedure increased from 20 percent to 58 percent. The most frequently raised issues were disciplinary actions, changes in program or work assignments and requests for transfer. Action by the National Prison Project has resulted in requiring the Federal Bureau of Prisons to prepare and make public an index of the final dispositions of all the administrative grievance complaints.

An Office of Professional Responsibility was set up in September of 1977 to monitor boards of inquiry and other investigations in the Bureau. In February of 1979, an Office of Inspections was created to develop and conduct an inspection program so that the federal prison system complied with legal and regulatory requirements.

Admittedly, the preceding programs have not all been unqualified successes. For example, a 1979 study by the General Accounting Office found that prison programs aimed at educating and training inmates for jobs after their release had serious deficiencies. Nevertheless, serious efforts are being made to overcome these problems.

Health Care

The quality of inmate medical care has been criticized. Most prisons have difficulty hiring doctors, primarily because of difficult working conditions and because many prisons are located in remote, rural areas where few doctors want to practice. As a result, prisons often have to hire less qualified physicians. In addition, many prison doctors do not completely fulfill their contractual obligations to the prisons. To deal with such problems, the National Health Service Corps will, in 1980, place 100 qualified doctors in city and county jails and in state penitentiaries where there is a shortage of medical personnel. The Corps will choose the prison physicians from among the recipients of medical school scholarships offered in return for a commitment to serve in areas where there are not enough doctors.

The level of health care facilities in the federal prison system is considered to be fairly good. Each prison has an infirmary, six prisons have accredited hospitals; and prisons can use local hospital facilities when necessary.

On the other hand, recent cases reveal severe shortcomings in the level of medical care available to inmates in state prisons. In 1978, the National Prison Project brought a class action suit against the governor of Tennessee on behalf of the prisoners in the Tennessee state system. The court agreed that the prisoners' Constitutional rights had been violated and that they were legally entitled to better medical care. In 1977, the Michigan state prison system was faced with 25 million dollars in pending malpractice suits filed by state prisoners. As a result, Michigan increased its expenditures for prison health care from 3.5 million dollars to 15.6 million dollars; began plans to construct a seven million dollar infirmary to replace a facility which the court had ordered closed; and began to recruit medical personnel for what has now become an excellent prison medical care system.

The American Medical Association (AMA) -- working closely with the head of the Michigan health care unit -- has developed national standards for jail health care programs. The AMA has used these standards to evaluate and accredit jail programs thoughout the country and is encouraging medical schools to become active in medical programs at jails seeking AMA accreditation. Students from medical colleges in Ohio, Washington, Virginia and New Mexico now participate in prison health care programs. The American Public Health Association has issued prison health standards requiring that the level of medical care be comparable to that of the community at large.

A recent award of $518,000 in damages to Henry Tucker, an inmate in a Virginia state prison who was paralyzed after incompetent medical care, shows the possible results of litigation on behalf of prisoners. Awarded the largest amount ever paid to a prisoner for mistreatment in a U.S. prison, Tucker was paroled a few months ago after serving 12 years of a 40-year sentence for breaking and entering. His paralysis resulted from improper diagnosis and treatment.

Legal action has also been initiated to improve prison medical care. One important case is that of Ruiz v. Estelle, a class action suit currently in the courts against the Texas Department of Corrections. This case, in which the Civil Rights Division of the U.S. Department of Justice is acting as plaintiff-intervenor, is on behalf of 25,000 prisoners in Texas institutions who charge, among other things, that the Texas Department of Corrections has failed to provide adequate medical care. The anticipated outcome of this trial, according to the

U.S. Civil Rights Commission, is that there will be a comprehensive court order requiring the defendants to improve the quality and quantity of medical care provided to inmates and to make other necessary changes.

Cases such as these have led the way to a new formulation of prisoners' health care rights. Federal courts have established that prisoners have a right to a regular health care program conducted by trained medical personnel that include regular medical examinations and tests, regular acccess to medical treatment and the services of outside medical services when needed. The courts have also restricted prison guards from denying prescribed drugs to prisoners. This framework of medical rights -- similar to the standards set up by the American Medical Association (AMA) -- has led to an increase in the number of legal actions from prisoners.

A 1975 AMA survey of the medical services in 30 jails revealed that less than one-half of these facilities provided a regular sick call, and only 10 percent screened newly admitted prisoners for communicable diseases. The Law Enforcement Assistance Administration (LEAA) has allocated millions of dollars to hire medical staff in jails, while some local authorities have increased their budgets for prison medical care. There is obviously still room for further improvement, although recent cases brought by prisoners charging inadequate medical care have brought about some needed reforms.

Medical Experimentation

The U.S. prison system has also been under attack for inmate participation in programs for testing new medicines. The Federal Bureau of Prisons had one program of medical testing on inmates that was terminated in 1976. This program studied the effect of buprenophine (a morphine-like substance) on 28 former addict inmate volunteers at the Addiction Research Center at the federal prison in Lexington, Kentucky. Before inmates could participate in this program, they were asked to sign a "Consent to Experimental Procedure or Treatment" form. After joining, inmates were free to withdraw at any time. During the entire duration of the program, all inmates were checked medically and monitored for their reactions. The Federal Bureau of Prisons issued a directive on June 10, 1977, halting all inmate participation in medical experimentation and pharmaceutical testing in any institution under its jurisdiction.

The Federal Bureau of Prisons also maintains a mental health unit at the Federal Correctional Institution at Butner, North Carolina, which provides psychiatric and therapeutic programs for inmates who are suicidal, are overtly psychotic or have severe behavioral disorders. Medical programs are provided by a physician and physician assistants; dentists and dental assistants. The mental health staff includes five part-time psychiatrists, six psychiatric nurses and an occupational therapist. No medical experimentation is conducted on prisoners at the Butner prison. There is no factual basis for charges that prisoners at Butner are subjected to unethical medical practice.

American society has long been concerned about the possibility of the abuse of ethical standards when prisoners are the subjects of medical and drug experimentation. Thus, in 1962, the Food and Drug Administration set up guidelines providing safeguards for those on whom new drugs are tested. These regulations require, in general, that before using new drugs, the doctor must first obtain the consent of those involved or their representative. These guidelines were strengthened when the National Research Act was signed into law on July 12, 1974, setting up the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. One of the mandates of the Commission is to develop ethical guidelines for the conduct of research involving human beings. The Commission has issued reports with recommendations for the protection of prisoners and mental patients who are involved in medical research. These recommendations were directed to Congress and HEW which issued rules providing for the protection of prisoners involved in research as subjects. These rules apply to research activities conducted or supported by HEW. The rules provide, in part:

> "(a) Biomedical or behavioral research conducted or supported by HEW may involve prisoners as subjects only if: (1) the institution responsible for the conduct of the research has certified to the Secretary that the Institutional Review Board has approved the research; and (2) in the judgment of the Secretary the proposed research involves solely the following: study of the possible causes, effects, and processes of incarceration, provided that the study presents minimal or no risk and no more than inconvenience to the subjects; study of prisons as institutional structures or of prisoners as incarcerated persons, provided that the study presents minimal or no risk and no more than inconvenience to the subjects; or research or practices, both innovative and accepted, which have the intent and reasonable probability of improving the health and well-being of the subject.
>
> "(b) Except as provided in paragraph (a), biomedical or behavioral research conducted or supported by HEW shall not involve prisoners as subjects."

Medical experimentation on inmates in state prisons, however, is still an active issue. A recent case brought by the American Civil Liberties Union's (ACLU) National Prison Project challenged the use of Maryland state prisoners in nontherapeutic medical experiments conducted by the University of Maryland School of Medicine. Official explanations that inmate participation in the vaccine-testing programs was voluntary were disproven. The case was won by the prisoners and the program has since been discontinued. Judicial action concerning the awarding of damages to inmates who had participated in this program is now under consideration.

At present, only seven U.S. states conduct medical research on prison inmates and eight states, in addition to the Federal Government, ban the use of inmates in medical experimentation.

Prison Violence

Instances of violence among inmates, and between guards and prisoners occur throughout the prison system. However, there is increasing action being taken to remedy this situation. In March of 1979, the ACLU National Prison Project brought suit against the Federal Bureau of Prisons charging that 38 prisoners at the federal penitentiary at Lewisburg, Pennsylvania, were subjected to brutal treatment in April of 1978. The Federal Government is being sued for nearly six million dollars in damages in this case. One of the charges brought against the prison officials is that after the prisoners were injured, they were denied medical treatment. The Federal Bureau of Prisons has publicly denied that any brutality ocurred in this incident.

Efforts at Reform

The formulation and publication of national standards for the penal system is a high priority in the movement to reform U.S. prisons. This action is an essential complement to the court action on behalf of individual inmates, or even the litigation against state prison systems. Professional organizations, such as the American Medical Association and the American Bar Association, have issued standards which cover their particular areas of expertise. The U.S. Attorney General's office has also published its own draft prison standards.

It is the American Correctional Association, a respected group of penologists and prison administrators, that has developed the most comprehensive set of standards addressing the problems of the U.S. penal system. Those standards include adult facilities (adult correctional institutions, adult local detention facilities, adult community residential services, adult probation and parole field services and adult parole authorities) and juvenile facilities (juvenile detention facilities and services, juvenile community residential services, juvenile probation and aftercare services and juvenile training schools and services). In the next few months, another set of standards for the Organization and Administration of Correctional Services will be issued. The American Correctional Association, for example, set the following standards for inmate housing in adult correctional institutions: Each room or cell has toilet facilities; lighting of at least 20 footcandles, both occupant and centrally controlled; circulation of at least 10 cubic feet of fresh or purified air per minute; hot and cold running water, unless there is ready access; acoustics that ensure that noise levels do not interfere with normal human activities; bunk, desk, shelf, hooks or closet space, chair or stool; and natural light.

While these standards are not legally binding, they provide an incentive for institutions to meet improved norms. In fact, the Federal Bureau of Prisons is in the process of having five major institutions and all federal community treatment centers accredited by the Commission on Accreditation for Corrections by December of 1979. By 1983, the Federal Bureau of Prisons plans to have all 38 of its institutions accredited.

One important reform in the present parole system in federal prisons was legislation signed into law on March 15, 1976. This legislation restructured the U.S. Parole Board as the nine-member, regionalized U.S. Parole Commission, making the Commission independent of the Department of Justice, except for administrative purposes. This act is designed to ensure prisoners of a fair parole procedure by setting up guidelines for parole determinations, establishing requirements for parole hearing procedures; requiring that clear explanations be offered an inmate who is denied parole; and establishing due process for a person threatened with having his parole revoked for technical violation of his parole conditions. Such legislation, while it directly affects only the inmates in federal prisons, can be seen as a model for state actions.

Conclusion

There is room for improvement in the U.S. prison system. Most officials recognize the need for improvement and many ameliorative actions are being undertaken. Certainly the move to community-based treatment centers is a positive trend. And, if all medical experimentation on prisoners cannot be eliminated, such programs should adhere to HEW guidelines for humane treatment.

Litigation against state prison officials has rectified grievances for a considerable number of inmates. As a number of such cases are presently in the courts, it is likely more state prisons will soon be under court order to make fundamental changes. In addition, the American Correctional Association's set of prison standards offers the potential for the essential elimination of some of the worst prison abuses. Another possible path to prison reform and improvement would be to set up independent ombudsmen who could monitor prison problems. Minnesota has adopted this procedure and now has one of the finest prison systems in the United States.

The Rights of Prisoners

One of the more positive trends in the history of the U.S. penal system has been the relatively recent intervention by the courts in behalf of prisoners' rights. From 1871 until the 1960's, the courts generally maintained that during the period of incarceration a prison inmate was a "slave of the state" and had virtually no rights. In recent times, however, the Supreme Court has led the way in reversing this attitude and in establishing judicial standards for a whole range of court decisions favoring increased prisoner rights. In the past 15 years, over 1,000 cases, affecting a wide variety of prison practices and policies, have improved the position of prisoners throughout the United States.

In 1964, for example, the Supreme Court held that the claims of religious persecution of Black Muslim inmates could be raised in federal courts under the Civil Rights Act of 1871. This decision cleared the way for other cases which established the right of sect members in prison to subscribe to Black Muslim newspapers, to have a special diet, to have visits by their ministers and to attend Muslim services. Subsequent litigation by prisoners alleging violations of Constitutional rights to religious freedoms established the precedent that judicial involvement in prison administration was justified when the personal freedoms of the First Amendment to the Constitution were concerned. As a result, the burden of proof in such cases shifted from the inmate to the state.

Other cases in which inmates have successfully brought suit involve freedom of association for prisoners. Courts have upheld the right of inmates for completely free access to their lawyers; however, security considerations somewhat limit contacts between prisoners and their families.

Another push for reform was prompted by cases dealing with the rights of inmates to send and receive correspondence. In 1971, for example, a federal court ruled in *Marsh v. Moore* that the opening and censorship of inmate-attorney mail violated the Sixth Amendment since necessary inspection for contraband could be performed in less obtrusive ways.

Prison Conditions and Due Process

Some courts have found that conditions in prisons are in violation of Eighth Amendment guarantees against cruel and unusual punishment. A court ruled in 1971 (*Jones v. Whittens-*

berg) that severe overcrowding, poor lighting, inferior food and medical services and inadequate sanitary conditions were in violation of Eighth Amendment rights. In the Estelle v. Gambler case (1976), the Supreme Court ruled that "deliberate indifference" to the medical needs of prisoners also violated the Eighth Amendment. Another basis for litigation by inmates has been infringement of their rights to due process. In this regard, the courts have attempted to balance the legitimate concerns of the state against the rights of the prisoners. The Supreme Court held, in the Johnson v. Avery case (1961), that "it is fundamental that access of prisoners to the courts for the purpose of presenting their complaints may not be denied or obstructed." In this case, the Supreme Court also found a prohibition against "jailhouse lawyers" -- prisoners who give legal advice -- to be unconstitutional, since it placed an unequal burden on indigent and illiterate prisoners to assert their rights. In another case involving due process rights, the Supreme Court held that an inmate's parole cannot be revoked without a hearing and issued minimal due process standards for parole revocation hearings. These standards were later extended to cover probation revocations.

One of the most important recent cases involving extension of due process rights of prisoners is that of the Wolff v. McDonnell case (1974). It established the right of an inmate to certain protections in prison disciplinary proceedings. The prisoner is entitled to the following rights: the right to receive at least 24 hours advance written notice of the charges against him and a written statement of the evidence and reasons for the disciplinary action; the right to call witnesses and to introduce evidence; the right to substitute counsel if he cannot conduct his own defense; and the right to an impartial disciplinary board.

State Prison System

Recent federal court findings that various aspects of the state penal systems are unconstitutional further exemplify the increasingly active federal role in the area of prison administration. Since 90 percent of all U.S. penal institutions are under the jurisdiction of the states, such court findings have a profound effect on the U.S. prison system. In 1976, federal Judge Frank M. Johnson, in the McCray v. Sullivan case, ordered the Alabama state penal system to stop receiving new inmates at overcrowded facilities. That same year, Judge Johnson issued another decision with even more far reaching implications, calling for a detailed statement of minimal Constitutional standards for the Alabama penal system (James v. Wallace). These "Minimal Standards for Inmates of the Alabama Prison System" require the state to furnish each inmate with a private cell, hot and cold running water, toilet articles, reading and writing materials, three nutritious meals a day and adequate exercise and medical care. In addition, the standards provide for a system of inmate classification; protection from violence; rights to free correspondence; educational, work, vocational and recreational opportunities; and the organization of work-release and other programs. The standards also require an increase in prison staff and a timetable and monitoring mechanism for compliance. This landmark case paved the way for further court involvement in the administration of the state prison system. In a 1968 finding, the Supreme Court ruled (Lee v. Washington) that certain Alabama statutes violated the 14th Amendment rights of prisoners by requiring segregation of the races in prisons and jails.

Another important case against an entire state prison system charged the Texas Department of Corrections with a number of prison abuses. The Civil Rights Division of the U.S. Justice Department is participating in this suit as plaintiff-intervenor. The anticipated conclusion of this trial, which began in October of 1978, is that there will be a comprehensive order requiring the state prison authorities to redress the alleged grievances of the prisoners under their jurisdiction.

Alvin Bronstein, of the National Prison Project, said in his April of 1979 testimony before the CSCE Commission, that legal action has been initiated against the prison systems in numerous other states.[15]

After the successful litigation which has been brought against state prison systems, suit is now being brought against the Secretary of the Florida Department of Corrections charging that he had failed to carry out his duties under state law to inspect and enforce minimum standards in Florida jails resulting in prisoners' Constitutional rights being violated.

The Rights of Mental Patients

Parallel to the prisoners' rights movement, a patients' rights movement has also emerged in the U.S. in the last decade. Within the past few years, legal action brought by advocates for the mentally handicapped and the mentally ill has resulted in landmark court decisions in defense of their rights. Successful litigation, based on evidence of infringement of Constitutional guarantees, has resulted in a series of advances for patients. They include the right to treatment, protection from harm, treatment in the least restrictive setting, equal educational opportunity, protection from the forced administration of hazardous or intrusive procedures,

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15. A list of the current status of lawsuits which have been brought against the state prison systems for their violations of Constitutional protections appears in Appendix II.

safeguards against indefinite confinement after finding one is incompetent to stand trial, procedural and substantive protections in the civil commitment process, and freedom from unjustified confinement.

Legal Decisions

As in the movement for prisoners' rights, progress in the patients' rights movement has been largely due to decisions in several key court cases. In one such case, federal Judge Frank M. Johnson, after personally inspecting a substandard mental hospital in Alabama and hearing expert testimony on minimal treatment requirements, declared the hospital to be an unconstitutional deprivation of the patients' rights to treatment. The judicial reasoning for this decision was that, under the due process clause, adequate and effective treatment was the quid pro quo for the patients' involuntary commitment. Such reasoning became the basis of various judicial orders to state authorities to improve the staffing and financing of dilapidated facilities. As a result of such litigation in Alabama, the budget of the state's Department of Mental Health has gone from 28 million dollars in 1970 to an estimated 83 million dollars in 1975.

Another important step in furthering the rights of the mentally retarded occurred in the famous Willowbrook case. Three thousand pages of testimony led to the conclusion that patients in this New York hospital had deteriorated mentally, physically and emotionally during their period of confinement. Consequently, a consent decree, signed by Federal Judge Orrin Judd on May 5, 1975, banned existing abuses and ordered the availability of education, care, therapy and development for each patient. Because of this decree, New York is spending about 40 million dollars more for Willowbrook than it did in 1972, the year that the lawsuit was filed.

In addition to decisions affecting institutions as a whole, courts have handed down important rulings reinforcing the individual rights of mental patients. Relying on Constitutional guarantees protecting freedom of speech and religion and prohibiting cruel and unusual punishment, courts have recently issued decisions against a number of possible abuses, including excessive use of therapies such as psychosurgery, behavior modification, electro-shock treatment and drug applications. These court rulings found a sound legal base in the doctrine of a Constitutional right to privacy. In one case, Kaimowitz v. Michigan Department of Mental Hygiene (1973), the court applied this principle to protect a mental patient from psychosurgery with the following explanation:

> "Intrusion into one's intellect, when one is involuntarily detained and subject to the control of institutional authorities, is an intrusion into one's Constitutionally protected right of privacy. If one is not protected in his thoughts, behavior, personality and identity, then the right of privacy becomes meaningless."

An important Constitutional guarantee affecting the status of mental patients has been the right to due process. In 1974, a court ruled (Clonce v. Richardson) that a behavior modification program was unconstitutional because the patient had not been given adequate procedural protections prior to placement in the program.

Another due process issue is that a patient should have substantially the same procedural protections whether or not he or she has been admitted under a criminal or civil procedure. The Supreme Court ruled, in Jackson v. Indiana , that "due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed." Thus, as the Supreme Court has extended due process deadlines on commitment because of incompetence to stand trial and on commitment for observation, then guarantees should also be extended to the question of deadlines on commitment for treatment.

Indeed, various professional organizations, such as the American Psychological Association and the American Orthopsychiatric Association, agree with the American Civil Liberties Union which has said:

> "The mental health system would be a very different and more humane system if hospitals were allowed only a limited and nonrenewable period of time within which to treat or cure involuntarily confined patients. In our view, even if civil commitment continues to be permitted, no one should be involuntarily confined to a mental hospital for more than six months."

One trend in litigation (based on the Constitutional right to liberty) is towards allowing patients to have a voice in the kinds of treatment they receive. Thus, even if patients do not have the right to refuse treatment altogether, they may be able to refuse more extreme types of treatment. The legal situation is complicated because every state has its own laws which deal with the issue of patients' rights, although they vary in specificity and enforceability. For example, on the issue of incompetence, Connecticut has a requirement that "a declaration of incompetence must be specific to the rights involved before those rights can be abridged," while other states, such as Maryland, rule only that "incompetence must be determined by a court." As to the question of treatment, Idaho law declares that "every patient has a right to refuse specific modes of treatment which may be denied by the director of the facility for good cause with statement of reasons sent to district court," while Hawaii has no specific provisions on this issue.

Confinement Procedures Challenged

The Supreme Court decision in O'Connor v. Donaldson (1975) is crucial to the patients' rights movement. In its decision, the Court ruled:

> "A finding of 'mental illness' alone cannot justify a state's locking a person up against his will and keeping him indefinitely in simple custodial confinement. Assuming that term can be given a reasonably precise content and that the 'mentally ill' can be identified with reasonable accuracy, there is still no Constitutional basis for confining such persons involuntarily if they are dangerous to no one and can live safely in freedom...
>
> "Mere public intolerance or animosity cannot constitutionally justify the deprivation of a person's physical liberty..."

In this ruling, the Supreme Court made clear that involuntary confinement simply because of mental illness is not Constitutionally justified. There must be proof of some degree of danger to self or others.

Accordingly, this significant Supreme Court decision had a direct effect on commitment procedures throughout the U.S. Basing their decisions on O'Connor v. Donaldson, federal courts in Hawaii, Iowa, Nebraska and Pennsylvania have issued rulings requiring the redefinition of the grounds for commitment to mental institutions in civil cases. Historically, there have been two bases for such commitments: either parens patriae, when the patient is deemed to be a danger to self, or "police power", when a patient is held to be a danger to others. Recent court cases have shown an increasing reliance on "police power" with the result that there must be a proven likelihood of a threat to others, as opposed to a vague possibility of a danger to self. This shift in commitment procedures in civil cases decreases the possibility of arbitrary or unjustified commitments.

In the O'Connor v. Donaldson decision, the Court also stated that "incarceration is rarely if ever a necessary condition for raising the living standards of those capable of surviving safely in freedom, on their own or with the help of family or friends." This finding has produced a shift from voluntary to involuntary commitments to mental institutions since the individual is deemed to be owed a quid pro quo for the deprivation by the state of his or her personal liberty. Thus, there has been an improvement in the care provided in state institutions, and fewer people are being committed to institutions.

As the focus of care has shifted to the community, there has been a decline in the population of psychiatric institutions and schools for the mentally retarded. For example, according to the U.S. Department of Health, Education and Welfare, the rate of first admissions to state psychiatric hospitals has declined from 163,984 in 1969 to 120,000 in 1975. This trend away from institutions is also in part attributable to the O'Connor v. Donaldson ruling in which the Court held that a person cannot be unwillingly committed unless he is a danger to self or others. This finding of dangerousness, moreover, must be based on behavior and not a generalized threat.

Governmental Actions

A further impetus to deinstitutionalization -- as well as a general extension of patients' rights -- came in October of 1975, when the Developmentally Disabled Assistance and Bill of Rights Act was signed into law by President Ford. Section 201 of the law reads:

> "Section III. Congress makes the following findings respecting the rights of persons with developmental disabilities:
>
> "(1) Persons with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities.
>
> "(2) The Federal Government and the states both have an obligation to assure that public funds are not provided to any institutional or other residential programs for persons with developmental disabilities that --
>
> "(A) Does not provide treatment, services, and habilitation which is appropriate to the needs of such persons; or
>
> "(B) Does not meet the following minimum standards:

> "(i) Provision of a nourishing, well-balanced daily diet to the persons with developmental disabilities being served by the program.
> "(ii) Provision to such persons of appropriate and sufficient medical and dental services.
> "(iii) Prohibition of the use of physical restraint on such persons unless absolutely necessary and prohibition of the use of such restraint as a punishment or as a substitute for a habilitation program.
> "(iv) Prohibition on the excessive use of chemical restraints on such persons and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment or habilitation for such persons.
> "(v) Permission for close relatives of such persons to visit them at reasonable hours without prior notice.
> "(vi) Compliance with adequate fire and safety standards as may be promulgated by the Secretary (of Health, Eduction and Welfare)."

The act also placed increased emphasis on deinstitutionalization, primarily by requiring states to use at least 10 percent of their formula-grant allotment in Fiscal Year 1976 and at least 30 percent in each succeeding year for development and implementation of plans designed to eliminate inappropriate institutional placements.

This law, along with other measures, has produced change in many areas. In 1975, for example, New York agreed to place 8,500 of the 19,500 retarded people living in 20 state institutions in homelike settings in local communities scattered throughout the state. However, due to initial community opposition, the state has not been able to fully meet this goal. In some New York communities this opposition was overcome, once the facility started functioning and popular fears were allayed. Nevertheless, community opposition promises to remain a heavy obstacle to this course of action. Despite these difficulties, mental health professionals agree that community homes and deinstitutionalization provide the best solution for many mental patients. However, communities must become more tolerant of such people before such programs can be successful on a large scale.

Another indication of governmental concern for the situation of mental patients was the establishment in 1977 of the Presidential Commission on Mental Health, with U.S. First Lady Rosalynn Carter as honorary chairperson. The Commission has conducted a series of public hearings in different parts of the country providing an opportunity for the 20 Commissioners and members of the Commission's study groups to learn from citizens about the mental health needs of their varied communities.

Based upon its findings, the Commission made a series of recommendations which prompted increased appropriations for the Alcohol, Drug Abuse and Mental Health Administration. In addition, the Commission recommended providing for federal incentives to further phase out large state mental hospitals, improved care in remaining smaller hospitals and community-based services.

Another sign of governmental concern for people in institutions is a bill titled "Civil Rights for Institutionalized Persons," which has passed the House and is currently under consideration in the Senate. If passed, this bill would permit the U.S. Justice Department to initiate suits on behalf of inmates in nursing homes, prisons, juvenile homes and institutions for the mentally disturbed and mentally retarded in state jurisdictions.

Since the signing of the Helsinki Final Act, the Justice Department's Civil Rights Division has successfully challenged the Constitutionality of conditions in various U.S. institutions. Such institutions have included mental hospitals, homes for the elderly, facilities for the mentally retarded, institutions for abandoned and neglected children, prisons and jails, and juvenile detention facilities. In each case in which the Justice Department aided inmates in asserting their rights to a safe and decent environment, the court upheld the inmate's claims and ordered relief.

In 1976, however, two federal court decisions threatened to halt this litigation program. District courts in Maryland and Montana ruled that without express legal authority to initiate such suits, the Attorney General lacked the legal standing to enforce Constitutional and federal statutory rights of institutionalized people. In United States v. Solomon (1971), the Fourth Circuit Court of Appeals upheld the decision of the Maryland court. The need for specific authorizing legislation for the Attorney General thereby became clear, and the bill discussed above, "Civil Rights for Institutionalized Persons," was introduced in Congress.[16] The Commission encourages current efforts in the Congress to extend the authority of the Justice Department to intervene in certain cases of violations of the civil rights of institutionalized persons.

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[16] A copy of H.R. 10, "Civil Rights for Institutionalized persons," is in Appendix III.

SOCIAL AND ECONOMIC RIGHTS

The right of the individual within society to an adequate standard of living, regardless of personal wealth, is incorporated into the language of Principle VII of the Helsinki Final Act in which participating states pledge to "promote and encourage the effective exercise" of economic, social and cultural human rights.

Communist signatories frequently charge that the U.S. violates the Final Act by failing to provide the basic material needs of all its citizens. These charges, which also are made by some domestic groups, are usually general in nature and often use a variety of inconsistent statistics. The main criticism is that because of unemployment or under-employment, millions of Americans are poor and are forced to live in substandard conditions. More specifically, critics charge that because of alleged widespread economic deprivation, Americans suffer from malnutrition and starvation, poor medical and dental care, and a high infant mortality rate. Critics maintain these social problems include members of all ethnic and minority groups, including blacks, Hispanics, Native Americans, youth, elderly, handicapped, new immigrants and migrant workers.

In the U.S., the basic rights to economic security and social services are taken care of primarily by workers themselves who provide for their needs from the wages they earn. These rights, therefore, are protected to the extent that the U.S. economy provides jobs. The U.S. Government recognizes, however, that under any economic system some persons will not always be continuously employed, be unable to work, or have an inadequate income. Sensitive to the needs of the more vulnerable members of U.S. society, the U.S. Government has acted to ensure their economic and social rights. An impressive array of new federal laws in recent decades give tangible evidence of the government's commitment to these rights. Even before the Helsinki Final Act, for example, the Social Security Act of 1935 established the nation's basic programs of social insurance for its workers and protection against poverty for its disadvantaged citizens. Similarly, the Civil Rights Act of 1964, and subsequent legislation, committed the U.S. to the protection of the rights of every citizen regardless of race, sex, age, religion, national origin or handicapping condition. Other social welfare legislation includes the 1965 law establishing programs of health insurance for the elderly (medicare) and the poor (medicaid).

The United States commitment to alleviate the economic problems of the underpriviledged is reflected in the total welfare spending by the government which increased from 77 billion dollars in 1965 to more than 290 billion dollars in 1975. The largest allocation to any government agency in 1979 went to the Department of Health, Education and Welfare (HEW) -- more than 199 billion dollars. With this huge outlay for many varied programs, HEW bears the prime federal responsibility for assisting Americans in need of economic and social aid.

Other federal agencies are prominently involved in the federal programs designed to provide opportunities for the poor or disadvantaged to achieve self-sufficiency. Conspicuous among these are the Community Services Administration (CSA), which describes itself as the central federal agency for advocacy on behalf of the poor; ACTION, which administers a variety of domestic volunteer programs directed toward different segments of society; and the Department of Agriculture (DOA), particularly its food assistance programs.

Historically, the U.S. has achieved some success in its war on poverty. In the early 1960's, there were about 39.9 million people below the poverty level, or about 22 percent of the population. The latest figures available from the Bureau of the Census show the number living below the poverty level ($6,190 for a non-farm family of four) was 11.6 percent or 24.7 million in 1977.

Government authorities point out, however, that the percentage drop in the number of poor people in the nation between 1970 and 1975 was far short of the reduction which occurred in the booming 1960's. They attribute this in part to the generally stagnant economy of the early 1970's when the country moved in and out of recessions with heavy unemployment and high level inflation caused partially by the oil embargo.

Census Bureau figures show there was some improvement between 1975, the year the Helsinki Final Act was signed, and 1977. During that period, the number of people living below the poverty level was reduced by 1.2 million, which may be attributed both to intensified government efforts and to a moderate economic recovery.

It is important to note that the official poverty level (i.e. $6,600 in 1978 to feed, cloth and house a non-farm family of four) is a standard which the Federal Government itself establishes and adjusts periodically for inflation. The purpose of the standard is to provide a guideline for monitoring social programs and for modifying them or establishing new programs to assist that part of the population that has the greatest need.

In calculating its poverty statistics, the Census Bureau considers monetary income only. It does not incorporate "in-kind" benefits such as food assistance, health care and social services, which represent a major growth in anti-poverty spending over the past decade by the Federal Government.

Alice Rivlin, Director of the Congressional Budget Office (CBO), has said, "You can argue whether the line for determining poverty ought to be higher or lower. That's a judgment that society must make from time to time. But you can't argue that because benefits don't come in the form of cash, they're not benefits."

The CBO, in fact, has compiled its own poverty estimates including the value of major non-cash benefits received by the poor. Instead of the 10.7 million families and unrelated individuals living in poverty in 1976 according to Bureau of Census figures, the total was estimated at 6.6 million.

The scope of this report focuses on the extent of government social services for the poor, but there are literally thousands of private social agencies, encouraged through special exemptions under U.S. tax laws, which provide emergency financial or in-kind support to the needy. These include innumerable church groups, health organizations and foundations.

Income Security and Social Services

Since 1940, the principle form of assistance to older persons, 62 years and above, has been Social Security, a program of monthly cash benefits paid to retired workers and their families and administered through HEW. This program of social insurance is funded through the joint contributions of workers and their employers. Self-employed persons are also covered under the program and more than 90 percent of the work force is covered under the system. In addition, the spouse and children of a retired worker are eligible for Social Security benefits. Yearly indexing to adjust for inflation has insured that these benefits are not artificially diminished. During the 1975 recession, real income for elderly persons was more stable than for younger persons. Between 1970 and 1975, gains in real income for the elderly, about 15 percent after adjustment for inflation, greatly exceeded that of younger families, approximately 1 percent after adjustment. This was primarily a result of automatic benefit increases.

The Social Security program also provides cash benefits to disabled workers and their dependents and the survivors of workers including widows, widowers, orphans and dependent parents.

In addition to Social Security benefits, there is a federal program called Supplemental Security Income (SSI) which assures a minimum monthly income to needy blind or disabled persons who

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17. HEW Administration Aging (medium incomes compared).

are over 65 years old. Federal funds under this program are also supplemented by cash assistance benefits by the states. HEW reported that in September of 1978, more than 4.2 million people received SSI payments totalling 550 million dollars.

The federal program of Aid to Families with Dependent Children (AFDC) is a program of payments to provide basic needs such as shelter, food and clothing to low-income families with dependent children. Figures provided by HEW showed, for example, that in September of 1978, under the AFDC program, 3.5 million families (10.4 million persons) received payments at a monthly cost of 896 million dollars. Grants for special needs in emergency situations are also provided through HEW. In 1978, for example, 75 million dollars was spent for emergency assistance for 302,877 families. According to HEW, most families need this form of assistance only for temporary periods, and payments cease when they find a job. Typically, the length of AFDC payments is less than two years.

An optional program, adopted by 28 states, provides financial assistance to families in which the father is unemployed (AFDC-UF). In addition, there is a provision for payment of an incentive tax credit for certain employers who hire workers receiving public assistance.

HEW also has social services for poor and vulnerable members of society which are administered through its Office of Human Development Services (HDS). About 80 percent of HDS' funds are dispersed directly to individual states to administer programs directed toward children, youth, families, Native Americans, the physically and mentally handicapped and older Americans. Other HDS grant programs provide funds for programming at the local level. In 1980, almost 6 million dollars is budgeted for individuals requiring these special services. Examples, summarized by HEW Deputy Undersecretary Peter Bell at the Commission's April of 1979 CSCE domestic compliance hearings, include:

-- The Title XX program which makes grants totaling almost 3 billion dollars to states for a wide range of social services, including child care.

-- Rehabilitation programs in the amount of 919 million dollars, serving 1.7 million handicapped persons -- half of whom are severely disabled.

-- Service programs for the elderly in the amount of 560 million dollars which make available meals in group settings and meals-on-wheels, as well as transportation and legal services.

-- Approximately 900 million dollars is allocated for services specifically for children. The best known of these, Head Start, will serve 414,000 underpriviledged children in 1980, providing preschoolers with meals and snacks, medical and dental care, and educational programs. Also, 85 million new dollars are allocated to provide child welfare and foster care services, as well as a new program for adoption subsidies for hard-to-place children.

HEALTH

Closely related to the right to an adequate standard of living is access to proper medical care, regardless of one's financial status. In 1980, HEW reports it will spend approximately 52 billion dollars on health-related programs -- a 25-fold increase since 1965. These funds will be used to help meet the costs of health care for the poor and the elderly, support the training of medical professionals, operate community health centers, develop preventive health services, promote the spread of health maintenance organizations, immunize children and provide services to the mentally ill.

More than 45 billion dollars will be spent in 1980 in the Medicare and Medicaid programs.

The Medicare program, enacted by the U.S. Congress in 1965, provides a major source of financial assistance to elderly Americans in meeting health care expenses. Approximately 97 percent of elderly Americans age 65 or over have been covered by the Medicare program since its inception. In July of 1973, Medicare was expanded to include two large groups of citizens under 65. These groups included approximately 2.7 million severely disabled individuals who had been entitled to Social Security disability benefits for two years or more because of their condition and to almost all Americans suffering from permanent kidney failure, requiring maintenance dialysis or a kidney transplant.

The Medicare program is divided into two parts -- hospital insurance and medical insurance. Approximately 97 percent of the nation's elderly have both forms of insurance under the program so almost all of their major health care needs are paid for.

During Fiscal Year 1978, total Medicare benefits paid to the almost 26 million elderly and disabled Medicare beneficiaries amounted to 24.25 billion dollars, compared to the first full year of program operations when total benefit outlays were only 3.2 billion dollars. Allowing for inflation, real increases in benefits in the first 12 years of program payments amount to 55 percent. This increase reflects the use of more services, an increase in the number of people covered, and increased costs for more sophisticated medical technology.

HEW officials say the most striking improvement in the health care of the elderly since the enactment of Medicare has been the reduction in costs to the patient. In 1966, the year before the Medicare program began, the elderly American paid from personal resources 51 percent of the cost of hospital services. In 1977, only 12 percent of hospital costs were met from personal funds; the remainder was met through federal financial assistance.

In 1966, the elderly American paid 94 percent of physician costs from personal funds. Ten years later that percentage had dropped to 40 percent as the result of federal financial support. Approximately 33 percent of the health care costs of the elderly are borne from personal funds. Almost one-fourth of this 33 percent, however, represents private insurance premiums. Nearly three-fifths of elderly Medicare beneficiaries purchase private insurance supplementation to offset health care costs not covered by Medicare.

Medicaid is a health assistance program which provides payment for health care for Aid to Families with Dependent Children (AFDC) recipients and others whose incomes are too large for AFDC assistance yet too small to pay for medical care. HEW reports that approximately 23 million Americans are served each year by the program and that nearly 20 billion dollars in federal, state and local government funds are spent annually in support of eight basic services which include in-patient hospital care, out-patient services, lab and X-ray services, nursing care, home health care, preventive service for children, family planning and physician services.

In each state, the Medicaid program must, at a minimum, cover these services for all eligible low-income individuals who receive federal cash assistance. In some states, additional services are also covered, including dental care, prescription drugs and emergency hospital care. All states must provide dental care for Medicaid children when a health screening determines that treatment is required. In 1976, 45 million low-income persons received dental treatment under the Medicaid program.

In 1980, HEW plans to commit about 600 million dollars to improving the care available to low-income mothers, pregnant women and children through a new Child Health Assurance Program (CHAP) and its maternal and child health programs. CHAP, as envisaged by HEW, will extend Medicaid eligibility to two million more children and directly affect infant health by adding Medicaid coverage to 96,000 more low-income pregnant mothers.

Food Stamps and Related Food Assistance Programs

A number of special nutrition-oriented programs administered primarily by the Department of Agriculture (DOA) are designed to eliminate hunger and malnutrition caused by poverty.

Prominent among these is the Federal Food Stamp program, started in 1964, which provides assitance for food purchases for AFDC recipients and other low-income persons. The goal of the stamp program is to allow recipients to obtain more food and increase the variety of food in family diets. An average of 16 million persons participted in the program each month in 1978. They received a total of 5.5 billion dollars that year.

Additional food assistance for the poor is carried out through other federal efforts including the Food Distribution program; the Women, Infants and Children program (WIC); the National School Lunch program (free or reduced priced lunches, now expanded to provide breakfasts during school and all meals during vacation periods); and the Special Milk program, also directed toward school children.

The ultimate aim of food programs directed specifically toward underpriviledged children is to break the cycle which condemns nutritionally deprived children to a lifetime of poverty because of early mental or physical retardation.

An independent report, published in 1979 by the Field Foundation Medical Team, concluded that federal food assistance programs have been very successful. "Our first and overwhelming impression is that there are far fewer grossly malnutritioned people in the country than there were 10 years ago," a medical research team connected with the Field Foundation reported. The report cited federal programs such as Food Stamps, school lunch and breakfast programs, and the Women, Infant and Children program (WIC). The Food Stamp program was further described as "the most valuable health dollar spent by the Federal Government."

Community Services Administration (CSA) programs are another way which the Federal Government seeks to break the poverty cycle. CSA currently operates seven basic program areas aimed at helping the poor achieve self-sufficiency -- Community Action, Economic Development, Energy and Winterization, Senior Opportunities and Service to the Elderly, Community Food and Nutrition, Rural Housing Demonstration and Summer Youth Recreation.

These programs operate primarily through about 900 locally based Community Action Agencies which are within reach of 90 percent of the nation's poor. The funding for these offices, the majority of which are set up as private and non-profit organizations, totaled nearly 369 million dollars in 1978.

CSA also funds 39 Community Development Corporations which help establish businesses, restore property and provide services in depressed neighborhoods in order to build a strong economic base to support the community. These ventures are locally controlledand owned but business, community and other public agencies provide some funding and management. In 1978, these programs generated 288 jobs per one million dollars of federal funds and maintained approximately the same number.

Active participation by the poor is an integral operating principle of CSA. In 1978, for instance, 600 of the nation's poor, most representing themselves and their immediate families, testified at a series of forums throughout the country sponsored by CSA. These people included the elderly, minorities, single mothers, unemployed youths and the handicapped. American officials who listened to the poor speak about their needs included Members of Congress, and on one occasion, President Carter. CSA is using the recommendations of the poor from these forums to develop and plan its program priorities through 1980.

Many CSA initiatives operate in concert with other federal agencies. In its efforts to improve housing among the poor, for instance, CSA seeks to identify and bring other federal and local resources to the poor. CSA programs also supplement HUD and Farmers Home Administration (FHA) programs and demonstrate ways to make established housing programs and policies more responsive to those in need.

Awareness and sensitivity on the part of American citizens as a whole toward the social welfare of the nation's poor is demonstrated through the involvement of many people in ACTION. Established in 1973, ACTION brings all federally supported volunteer programs under the coordinating aegis of a single administrative agency. Those included are Volunteers in Service to America (VISTA), National Student Volunteer Program (NSVP), Foster Grandparent Program (FGP) and the Retired Senior Volunteer Program (RSVP).

The VISTA program provides full-time volunteers, recruited nationally and locally by project sponsors, to strengthen and supplement ongoing efforts to eliminate poverty and poverty-related human, social and environmental problems. ACTION reports that in 1978, there were more than 4,000 VISTA volunteers devoting time to such basic human needs areas as health and nutrition, economic development and energy conservation.

Criticism in Perspective

Despite these many and varied federal programs aimed at securing economic and social human rights for everyone, the U.S. continues to come under attack in some specific areas. For example, some critics have pointed to the fact that the average Social Security payment per individual is at a rate below the poverty level minimum. Government officials, however, insist tht such an analogy is unrealistic since the poverty level is figured on a "per household" basis. The poverty level income in 1977 was $6,191 for a non-farm family of four while the average Social Security payment to a retired couple that year was $4,680, according to HEW. But HEW points out that most recipients do not rely on Social Security as their total income. Most people have a combination of other income plus benefits, as well as Medicare and other supplementary medical insurance, subsidized by the Federal Government.

Contrary to charges that millions of workers are denied even minimal protection, HEW cites statistics indicating that, as of December of 1977, there were 94 million workers in the U.S. labor force, 90 percent of whom were covered under the Social Security retirement program. Of those not covered, more than half were covered under other retirement systems such as those provided for federal, state or local employees. Some workers do not exercise their option of being included under Social Security. These account for 4.1 million of the 8.5 million non-covered employees. Many of the remainder are either exempted under law because they work for nonprofit organizations or because they have little or no net earnings from self-employment. Certain people in these latter two categories do have an opportunity to obtain coverage.

HEW officials maintain it is misleading to say that workers who are not covered under Social Security at a certain point in time are "deprived" of its benefits, as some allege. Most people work in jobs at some point in their lives that are covered, and protection, based partially on contributions to the system from such jobs, is secured for them when they retire.

Although there is clearly considerable room for improvement, criticism alleging that two out of five older people in the U.S. live on incomes that keep them below the poverty level is grossly exaggerated, according to HEW. A standard established by the Federal Government shows the correct figure for this group is about a third of that cited or about one in eight. Similarly, the allegation that 70 percent of all elderly blacks live in poverty is also grossly out of proportion, according to HEW, which says that the correct figure is about half of that and that the situation is still improving as the result of government programs.

As alleged, the Federal Government acknowledges that there is a disparity in incomes between U.S. families as a whole and Puerto Rican families, but according to HEW, significant progress in this area is being made. For example, by 1977, the median income for Puerto Rican families was $7,972, a 30 percent increase in the short period from 1969. During that period, the government points out, many programs and services have been developed specifically to aid persons of Hispanic origin in the United States. Such programs include job training and job referrals that result in increased wages. In 1977, the median family income for families of Mexican origin was $11,742, or about 69 percent above the figure for 1969. This was higher than the income growth for all families in the United States.

Exaggerated charges similar to those noted above have been made by critics concerning health and health care in the United States.

While the U.S. ranks about 15th in infant mortality among developed countries, HEW notes that there are substantial differences in the way different countries classify fetal deaths versus live births. Use of the prenatal mortality rate, which include deaths of fetuses older than 28 weeks gestation and infant deaths during the first seven days, changes the U.S. ranking to about eighth. Furthermore, both infant and prenatal mortality rates have been declining rapidly in the last decade and this decline is shared by all population groups.

Government statistics show that the rate of some chronic illness is higher among blacks and other minorities than among whites. The reasons for this difference are not clearly understood, HEW officials say, but some progress is being made in narrowing the gaps. For example, in 1900, white men could expect to live 14.1 years longer than other men. By 1950, the difference decreased to 7.4 years. In 1976, the difference was 5.6 years.

Despite the measurable progress achieved, the U.S. is continuing to seek solutions to social and economic problems which remain for certain segments of society. Government statistics show that almost a third of black Americans are still poor. Almost 10 percent of the total population lacks health insurance protection. Although the infant mortality rate for blacks has been reduced from 43 deaths per 1,000 live births in 1950 to 25 per 1,000 in 1975, the rate for blacks is still twice as high as that for whites. Differences in income, age, sex and race are significant.

Certainly, there are no easy solutions to these problems whether they stem from human, social or environmental causes. But for the employable poor, the escape from poverty is perhaps best channeled through improved enforcement of affirmative action programs which lead to better educational opportunities and better paying jobs.

More intensive job training linked with strong employment incentives may serve as a partial means of eliminating poverty as well. Congress has recognized this in its funding for more than 600,000 public service jobs in 1979, many earmarked for the poor unable to find jobs.

New Initiatives

Legislative initiatives proposed by President Carter are aimed at addressing the economic and social human rights of the underpriviledged, the unemployed and the under-employed.

The President's proposed welfare reform plan would raise benefits, both in terms of cash assistance and food stamps, for 800,000 American families in 13 states. The package would cost an extra 5.7 billion dollars in Fiscal Year 1982, when the plan would take effect. The largest portion of the additional spending, about 2.7 billion dollars, would provide 620,000 jobs and training opportunities for welfare recipients able to work. The proposal would also provide more than 900 million dollars in fiscal relief to state and local governments through increased federal matching funds and reduction of welfare rolls when people get jobs. In presenting this package to Congress in May of 1979, President Carter said, "I recognize that welfare reform is a difficult undertaking, but even in a period of austerity and fiscal stringency, our nation cannot ignore its most pressing needs and its most needy."

Recognizing the need for improvement in the medical area, the President's proposal for a national health insurance program would expand Medicare and Medicaid benefits for the aged and the poor. Additionally, the plan would give those who are not covered by company or public plans the opportunity of buying insurance at a reduced rate. This insurance, subsidized by the government, would provide a basic package of benefits including hospital and physician services, X-ray and laboratory tests and some form of catastrophe coverage. The estimated cost to the Federal Government is about 15 billion dollars a year with employees and employers contributing about 5 billion dollars. Similar plans are being considered by Congress.

There seems to be no question, however, that the quality of life and health status and care enjoyed by most Americans, regardless of their personal income, has improved considerably in recent years. As HEW's Peter Bell said in his testimony at the Commission's hearings on domestic compliance with the Final Act:

"-- The number of persons living in poverty has dropped significantly over the last two decades, from a little more than one-fifth of the population in 1960 to just under one-eighth during the 1970's.

"-- Not so many years ago, most Americans lived in fear of spending their old age in poverty and ill health. Today, that fear has been significantly relieved. Social Security insures a level of basic income support, and Medicare provides a means of paying for the high cost of medical care.

"-- The dread diseases of the past are virtually unknown in modern America. Children no longer fall victim to many of the infectious diseases which continue to haunt children in many other lands.

"-- Overall mortality rates, including infant mortality and maternal death rates, have been dramatically reduced, giving Americans a life expectancy of nearly 73 years."

These are significant successes, but the government and U.S. society as a whole, must continue to seek ways to secure complete social and economic human rights in the United States for those still left behind.

EDUCATION

The right to a good education, the essential prerequisite for a good job to provide economic independence, is inherent in the language of Principle VII of the Helsinki Final Act.

In the United States, the responsibility for ensuring that each individual has access to adequate educational opportunities rests primarily with the state and local governments, although the Federal Government and private institutions play an important role as well. A system of free public elementary and secondary schools is operated by each state. The states also operate reduced-fee college and university systems. In many state constitutions, the right to an education is guaranteed, and attendance is generally compulsory between the ages of six and 16.

Government statistics show that in the 1975-76 school year, the U.S. and its state and local governments spent 67 billion dollars for education in public elementary and secondary schools, an average of $1,388 per year per student. Total expenditure on education at all levels was 120 billion dollars, which was almost 8 percent of the Gross National Product for 1975-76. HEW reports that in 1980 the Federal Government will contribute approximately 9 percent toward the overall education effort, or 11.6 billion dollars.

According to HEW, more than 90 percent of all youth in the U.S. between the ages of five and 17 are enrolled in school and the percentage of the population ages 18-24 enrolled has increased from 14 percent in 1950 to over 33 percent in 1977. The proportion of minority youth attending college has doubled in the last 10 years, according to HEW. Statistics also show that the average American today has received almost 12 years of formal education, more than those in any other Western nation.

HEW reports, however, that there are still significant differences in educational performance and post-secondary enrollment between whites and non-whites and the poor and nonpoor. Non-whites score much lower on standardized national performance tests and, in a 1977 study of literacy, a much higher percentage of blacks, about 44 percent, and poor, about 40 percent, were found to be functionally illiterate. While the percentage of blacks enrolled in college doubled between 1966 and 1976, blacks represent only one-tenth of the population of whites enrolled in college.

Though the federal role in the nation's education efforts is not dramatic in economic terms, it is critical, however, in developing new strategies for reaching underserved segments of the population and ensuring that education is provided on a non-discriminatory basis. HEW, for instance, has the primary responsibility for enforcement of several statutes prohibiting discrimination on the basis of race, color, national origin, sex and handicap as they relate to federally assisted educational programs and activities. These include:

-- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin.

-- Title IX of the Educational Amendments of 1972, which prohibits, with certain exceptions, sex discrimination.

-- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against qualified handicapped persons on the basis of physical or mental handicap.

-- Title VII of the Education Amendments of 1972 (known as the Emergency School Aid Act or ESAA), which provides aid to local educational agencies to eliminate minority group segregation and discrimination among students and faculty in elementary and secondary schools.

Millions benefit from these laws. They include approximately 43 million school children in public schools and 11 million students in college and universities around the country. A large number of institutions are subject to these laws, including 16,000 school systems and 3,100 colleges and universities.

In 1980, HEW will provide special learning and compensatory education to some six and a half million children through Title I of the Elementary and Secondary Education Act (ESEA), which funds schools in low-income areas to improve programs for educationally deprived children. This financial assistance will also help meet the special educational needs of the children of migrant workers and Indians, and children who are handicapped, neglected or delinquent. Title I ties in with other federal efforts, such as the National School Lunch Program, all aimed at creating a break in the cycle of poverty so that young persons from impoverished families will not be undereducated and undernourished and can have the chance to compete in life more equally with their school peers.

The Migrant Education Program started by the Federal Government in 1967, for example, is aimed at compensating for the interruptions and ineffectiveness of the education migrant children receive as they and their parents move about the country seeking employment in agricultural and fishing activities. This program concentrates on identifying and meeting the special needs of migrant children through remedial instruction, health, nutrition and psychological services and prevocational training and counseling. Continuity of instruction is a top priority, with a special focus on the individual educational problems of each child. Special attention in instruction programs is given to the development of the language arts.

Another section under the Elementary and Secondary Education Act provides federal funds for bilingual education programs to help children with limited English proficiency to function effectively in regular school programs. HEW estimates about 340,000 children will be assisted through this program in 1980.

The Federal Government's commitment to providing equal access to post-secondary educational opportunities is reflected by many programs in the Higher Education Act (HEA). In 1979, of the 5.1 billion dollars appropriated for HEA programs, 4.8 billion dollars, or 94 percent of the total, was appropriated for the student assistance programs. These programs of need-based grants, loans, and work-study have increasingly become the dominant means by which the goal of equal opportunity is pursued. With this financial assistance, a student may choose the program and institution which best suits that student's educational needs.

The Basic Educational Opportunity Grant program in 1979 provided over 2 billion dollars in grant assistance to more than two million low-income students. The Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan programs provide over 1.2 billion dollars in assistance and are administered by post-secondary education institutions to meet the individual needs of their students. The 76.75 million dollar State Student Incentive Grant program is largely responsible for stimulating almost 800 million dollars in student grant aids funded by the 56 states and territories. The Guaranteed Student Loan program uses non-Federal loan capital supplied primarily by commercial lenders to provide loans to post-secondary education students. In 1979, 1.5 million loans totalling 2.9 billion dollars were generated by a Federal investment of 953 million dollars. The 120 million dollar TRIO (Special Programs for Students from Disadvantaged Backgrounds) programs are aimed at achieving equal educational opportunity through information, counseling and academic services for students with academic potential from deprived educational, cultural or economic backgrounds. The Graduate and Professional Opportunities program provides institutional grants and individual fellowships for qualified students, particularly minorities and women, who are underrepresented in the professions and other graduate fields.

In 1978, passage of the 1.2 billion dollar Middle Income Student Assistance Act expanded most of these programs to include financial assistance to middle-income students while, at the same time, ensuring that low-income students are the prime recipients of Federal assistance. Reauthorization of the Higher Education Act in 1980 will undoubtably continue the objective of educational opportunity by further increasing the amount of student assistance available to students from families of all income levels.

Educational Desegregation

One of the most pressing educational issues in the U.S. is school desegregation. Twenty-five years ago, a unanimous Supreme Court decision declared in the landmark case of Brown v. the Board of Education that racial segregation in public schools was unconstitutional, even if facilities could be made "equal" for blacks and whites. Operation of separate educational systems is "inherently unequal," the Supreme Court said, affirming that school desegregation is essential to ensure a quality education for all children and young people, regardless of their race or ethnicity.

Although much progress has been made, the school desegregation effort in the U.S. today is far from complete. Government statistics show that in 1974, four of every 10 black students and three of every 10 Hispanic pupils attended schools that were at least 90 percent minority. In 1976, the last year for which such data are available, 46 percent of all minority pupils attended school in at least moderately segregated districts.

Most school districts that have implemented desegregation programs since 1975 have adjusted relatively calmly. Desegregation plans of varying scope have been implemented in many areas including Dallas, Dayton, Milwaukee, Buffalo, Kansas City, San Diego, Los Angeles, Chicago, Seattle and Wilmington.

However, by most estimates, the desegregation process is still slow. Community leadership is lacking in some cases, and many districts are still involved in litigation. In some instances resegregation may be occurring and minority concerns about possible discrimination in student discipline and inadequate hiring and promotion of minority faculty have been expressed in various districts.

An independent, government-funded body which has been closely involved in monitoring school desegration efforts in the United States is the U.S. Commission on Civil Rights. In a 1976 report, Desegregation of the Nation's Public Schools, the Commission urged leaders at the national, state and local levels to accept the fact that desegregation is a Constitutional imperative. The Commission called upon the Federal Government to strengthen and expand programs and to take more vigorous action to enforce laws which contribute to the development of desegregated communities. In 1977, the Commission urged Congress to make new funds available for voluntary efforts to achieve urban desegregation. The Commission asked HEW to encourage school districts to participate in such a program.

Since 1977, HEW has strengthened its enforcement of Title VI of the Civil Rights Act of 1964. This came about in part as a result of settlement in December of 1977 and January of 1978 of three long-standing laws suits that charged HEW with inadequate enforcement of Title VI and also Title IX of the Education Amendments of 1972. The settlement order calls for resolution of backlogged individual discrimination complaints and more frequent Title VI compliance reviews in elementary, secondary and higher education. As a result, HEW has established nearly 900 new positions to assist in carrying out these tasks.

In its 1976 report on desegregation, the Civil Rights Commission recommended that the President designate an appropriate White House official to coordinate all the resources of the Executive Branch to accomplish the desegregation mandate. The Commission also urged HEW to cut off federal funds to those school districts which fail to take appropriate steps to halt discrimination. It called upon the Congress to provide positive support for the Constitutional imperative of desegregating U.S. public schools, rather than creating more legislative roadblocks. The Civil Rights Commission believes recent Congressional restrictions are preventing federal agencies from directing, permitting or withholding funds for the purpose of requiring or encouraging the use of busing for desegregation of schools and have undermined the efforts of the Executive and Judicial Branches. The Commission maintains that the ultimate achievement of the goal of equal educational opportunity remains the cornerstone of all racial equality in a pluristic society.

In higher education, HEW figures show that minority enrollment rose rapidly between 1966 and 1976. In 1976, black enrollment reached 10.6 percent of total enrollment and Hispanic enrollment was 4.2 percent. These percentages are nearly in direct proportion to the percentages of blacks and Hispanics in the total U.S. population.

Minority enrollment in professional schools has slowed, however, and remains disproportionately low. The total number of black first-year medical students decreased in 1977-78 while the overall first-year enrollment grew. The percentage enrollment of American Indians, Mexican-Americans and Puerto Ricans also dropped from earlier levels.

The Civil Rights Commission attributes this decline in part to economic pressures and the controversy over affirmative action programs. In June of 1978, the Supreme Court in the celebrated Bakke case tried to strike a balance by approving the use of race-conscious admissions programs while disallowing specific minority "quota" programs.

Desegregation efforts in higher education also have been stepped up. In 1977, for instance, HEW developed criteria for higher education plans for states still in violation of Title VI. In 1978, HEW attention focused chiefly on six states -- Arkansas, Florida, Georgia, North Carolina, Oklahoma and Virginia -- which had submitted provisionally acceptable plans as required. Negotiations with some of these states for fully acceptable plans have continued.

While problems remain, the U.S. has made great strides in its efforts to promote access to quality education for all. Twenty-five years ago, no black children attended public schools with whites in the South. Segregation was required in Washington, D.C., and 20 of the then 48 states. Black schools generally received only a small portion of the resources made available to white schools in most states. Today, southern schools are among the most desegregated schools in the nation. Even where all-black and all-white schools still exist, the differences between resources of these schools have largely been eliminated. And today's laws and practices mandate special educational assistance and advantages to minorities, which, in time, will help narrow the educational barriers for all the nation's youth.

Illiteracy

The U.S. has been criticized for a high illiteracy rate, affecting as many as 23 million adult Americans, one source charges. But HEW officials say the literacy statistics in the U.S. vary depending on the definition used. If literacy is defined as the ability to read and write a simple message, the 1970 U.S. Census indicated that 1 percent of U.S. citizens over the age of 14 (one to two million persons) are illiterate.

If the definition of literacy is expanded to include such tasks as the ability to use reference materials (such as dictionaries), the proportion of illiterates increases. A 1972 HEW study showed 8 percent of adults in the 25-35 year age range had difficulty with this type of task. This does not, however, mean these people are functionally illiterate or necessarily imply an inability to function well in society.

Despite a number of encouraging signals, the government is still not satisfied with the nation's progress in eliminating illiteracy. A new HEW program has been initiated to help schools achieve the fundamental goal of competency in reading, writing and basic mathematics for all their students. The 1980 HEW budget includes funds for a special effort focused on functionally illiterate individuals over the age of 16. Additionally, the National Institutes of Health and Education will spend more than 30 million dollars in 1979 on research to better understand literacy.

Federal policy since 1965 has been the guiding force behind equal access and opportunity with the dual aim of ending deliberate, illegal segregation and the improvement of academic achievement, particularly for the disadvantaged. Much has been accomplished, but difficult tasks remain. Government at the federal, state and local levels are committed to continue to support and encourage the move toward complete school integration and to work for better academic achievement.

EMPLOYMENT

Principle VII of the Final Act is very general in its treatment of fundamental economic rights. It merely states that the participating states "will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development." There are no explicit Helsinki commitments in the employment area. However, employment and labor rights are clearly an essential component of economic rights.

Different states and social systems have different concepts of what constitutes economic rights and the best means of attaining them. Certain CSCE signatories have stipulated that economic rights are more fundamental than other human rights. Consequently, a major criticism of U.S. implementation of the human rights provisions of the Final Act have been allegations of violations of fundamental economic rights, most notably the right to work. The U.S. record in this area has also been criticized by various domestic groups which allege that not enough has been done to overcome discrimination and other inadequacies in employment.

Charges of U.S. Shortcomings

Widespread unemployment, which is alleged by foreign critics to range anywhere from six to 15 million, is the most common criticism. An aggravating factor, although obviously not a violation of the Final Act, is the alleged unreliability of the U.S. Bureau of Labor Statistics' figures on unemployment which do not include persons who have stopped searching for work. Other critics assert that blacks and other minority groups, especially minority youth, are victims of job discrimination.

For example, critics cite statistics alleging that two black workers are fired for every white, that 52.3 percent of black youth are unemployed and that the unemployment rate among black, Puerto Rican and Chicano youths runs from 40 to 60 percent. Additional charges point to wage discrimination against white women and minorities and inadequate or expired workers' benefits. High injury and illness rates are said to exist in certain types of work, notably the iron, steel, textile, and coal-mining industries. Government efforts to deal with these problems are dismissed as inadequate.

The Role of the U.S. Labor Department

The U.S. Department of Labor is the government agency directly responsible for many aspects of U.S. compliance with the Principle VII provision relating to economic rights. It is charged with promoting the welfare of workers in the U.S., improving working conditions and increasing the opportunities for profitable employment. The Department administers over 130 federal labor laws, which guarantee workers' rights to safe and healthy working conditions, a minimum hourly wage and overtime pay, freedom from employment discrimination, unemployment insurance and workers' compensation. More recently, the Department has intensified its efforts to combat unemployment and discrimination in the job market against youth, the elderly, minority group members, women, the handicapped, migrant workers and other groups.

Unemployment: How to Measure It

While it may seem a simple matter for the layman, an effective system for measuring employment and unemployment is a crucial component of any policy designed to improve the employment situation. According to the Department of Labor, the U.S. has been among the leaders in developing techniques for accurately measuring unemployment. As a result of research undertaken in the 1930's, a set of concepts was developed under which an individual is classified as unemployed during a specified period he or she was not working or looking for work. This approach was first used in the 1940 Census of the United States and is now the worldwide standard.

In order to measure the seriousness of its unemployment problems and to gauge the success of its programs, the U.S. conducts the largest monthly labor force survey in the world -- 52,000 households, up from 21,000 in 1945. To ensure that the statistical system and methods used to measure employment and unemployment are as accurate as possible, two advisory councils meet several times a year. The Labor Research Advisory Council provides the labor union perspective and the Business Research Advisory Council provides the viewpoint of the business community.

To test the effectiveness of these methods, a comprehensive review is currently underway by the congressionally established National Commission on Employment and Unemployment Statistics. Preliminary indications are that the Commission will recommend a further expansion of the monthly labor force survey to provide even more information for geographical subdivisions of the nation. The Commission is also exploring ways of providing information on the link between unemployment, family income and economic hardship.

However, unemployment figures alone do not portray the full extent of joblessness. According to the U.S. Civil Rights Commission, "discouraged workers," those who "want jobs but have stopped looking because they think they cannot find them," are not included in official, overall employment figures. Moreover, official employment statistics do not include many part-time workers -- three million in 1977 according to the Civil Rights Commission -- who would prefer full-time work.

U.S. Government Efforts

There has been a determined effort to promote employment in the U.S. Concern with the severity of the unemployment problem prompted the late Senator Hubert Humphrey and Congressman Augustus Hawkins to sponsor the Full Employment and Balanced Growth Act of 1977. In mid-November of 1977, President Carter endorsed a revised version of this bill which established a national goal of reducing the overall unemployment rate from 7 to 4 percent by 1983. The revised "Humphrey-Hawkins Bill" proposed that the Federal Government go on record in support of full employment and called for every effort to reduce differentials in unemployment rates among minorities, youth and women. Full employment in this context is considered by economists to be anything below 4 percent unemployment which would take into account workers in job transition and those temporarily handicapped.

Employment Among Blacks and Other Minorities

Since the Helsinki Final Act there have been great improvements in employment opportunities for blacks in the U.S. Between 1975 and 1978, the levels of employment for blacks grew by 1.1 million or 14.7 percent versus 8.1 million or 10.7 percent for whites. Nevertheless, unemployment among minorities has been a major target of criticism of U.S. implementation of the Helsinki accords. Specifically, there have been accusations 40 to 50 percent of minorities are unemployed in the U.S. While not nearly as high as frequently alleged, unemployment rates for minorities continue to be considerably higher than those for whites. Although numerous federal projects designed to increase minority employment have closed the gap in recent years, the rate of black unemployment continues to be more than twice that of white unemployment. In 1978, according to the Department of Labor, the annual rate of unemployment for whites was 5.2 percent as opposed to 12.6 percent for blacks. Since 1975, white unemployment has declined by 2.6 percent while black unemployment has declined by 2.1 percent. Civil Rights Commission statistics show that the fourth quarter of 1978, unemployment rates for adult white males had dropped to 3.3 percent while the figure for black males was 7.6 percent and 8.9 percent for Hispanics.

In 1978, black teenage unemployment was 38.6 percent (considerably lower than the 52 percent figure alleged by Soviet critics), while the rate for white teenagers was 13.9 percent. The unemployment rate for white teenagers declined by 6.0 percent between 1975 and 1978, while the rate for black teenagers declined by only .8 percent.

Although still lagging behind levels for whites, black employment grew substantially during 1978, increasing by 4 percent in one year. Although less than the 6.3 percent change experienced in 1977, this employment growth lowered the black unemployment rate by 1.2 percent that year.

Black teenagers fared better too. The 36.9 percent unemployment rate for black teenagers at the end of 1978 was 3.7 percent below the rate in December of 1977. The number of employed grew in 1978 by 7.6 percent.

Despite this progress, during February of 1979 there were still 1.45 million black workers unemployed. Unemployment for workers of Hispanic origin is also still high, according to the Civil Rights Commission. While the average jobless rates for Hispanics dropped from 11.5 percent in 1976 to 10 percent in 1977, unemployment among Hispanics, as of the end of 1977, was still 1.6 times higher than among whites. The average unemployment rate for Hispanic teenagers fell slightly from 23.1 percent in 1976 to 22.3 percent in 1977, but the actual number increased slightly as a result of their increased rate of entry into the labor force. The average rate of joblessness for Hispanic women was about twice that of white women in 1977.

The CETA Program

Significant groups within the U.S. still do not have equal access to good jobs for a variety of reasons, including a lack of skills, experience or education, or because of racial, sexual, ethnic or age discrimination. The U.S. Government, however, has in recent years taken numerous steps to improve the problem, and employment programs for the economically disadvantaged have become a top priority. For example, the Department of Labor's expenditures for employment and training programs have gradually increased to the current level of 10.6 billion dollars in Fiscal Year 1979. The fundamental basis for this expansion is an awareness that the labor market has not provided sufficient employment opportunities for low-skilled, inexperienced workers and that government intervention can alleviate problems of the structurally unemployed ("structurally unemployed" refers to those facing long-standing problems in obtaining work due to an absence of jobs suitable to their skills or other chronic problems). The Comprehensive Employment and Training Act (CETA) was passed by Congress in 1973 for precisely this purpose and has benefited hundreds of thousands of economically disadvantaged Americans. CETA, which is administered by the Department of Labor, was established to provide training for public service jobs and other services leading to unsubsidized employment for economically disadvantaged persons, including the unemployed, the underemployed and welfare recipients. Moreoever, CETA gives financial assistance to state and local governments to enable them to furnish training and employment opportunities. CETA also provides funds for the Job Corps Program. The CETA system is made up of approximately 460 prime sponsors, many of whom are mayors, governors and other state and local elected officials. These prime sponsors have the principal responsibility for administering the CETA program at the local level.

CETA contains eight major sections or "Titles." Title I established a nationwide program of comprehensive employment and training services to be implemented primarily by states and units of local government representing 100,000 or more population. Title II authorized a program of developmental public service employment in areas with 6.5 percent or higher employment for three consecutive months. Title III provided for nationally sponsored and supervised training, employment and job placement programs for youth, the elderly, Native Americans, migrant workers and others. Title IV authorized the Job Corps, a program of intensive education training and counseling for disadvantaged youth, primarily in residential areas. Title VI authorized a temporary emergency program of public service employment to help ease the impact of high unemployment while Title VIII established the Youth Adult Conservation Corps. The two remaining titles dealt with general considerations.

According to the Department of Labor, one-third of the increase in black employment since 1977 can be attributed directly to the CETA jobs system. During Fiscal Year 1978, 328,000 blacks participated in the CETA Public Service Employment (PSE) programs representing 27 percent of all the participants in those programs. Blacks also constituted a significant portion of the participants in CETA youth programs during Fiscal Year 1978. There were approximately 460,000 black participants in the Summer Program for Economically Disadvantaged Youth (SPEDY), representing 48.7 percent of the total number of participants. Nearly 120,000 black youths participated in the Youth Employment Training Program (YETP), representing 36.8 percent of the total. The nearly 40,000 blacks enrolled in the Job Corps constituted 56 percent of the total number of participants. In October of 1978, about 22 percent of all employed black teenagers received employment through the CETA youth programs.

In 1977, the Carter Administration's Economic Stimulus Package more than doubled the number of Public Service Employment (PSE) positions under CETA raising the total to 750,000. During Fiscal Year 1978, 77.9 percent of the participants in the programs were economically disadvantaged. Overall, the economically disadvantaged have constituted more than 86 percent of all new CETA enrollees.

Total enrollment in the program declined significantly in the last six months of 1978. This decline is cause for concern since CETA jobs have been and continue to be a major part of the Administration's strategy for achieving full employment by 1983 and have been an important factor in reducing the unemployment rate to its present 5.7 percent level. Part of the decline can be attributed to the re-evaluation of the entire CETA program which took place during 1978. It was not until the last day of the last session that Congress finally passed the new CETA law. The uncertainties caused by the delay in final enactment of CETA, together with the fall in unemployment, have contributed to the decline in interest in public service jobs. The new CETA bill and the continuing funding regulations enacted in October of 1978 reflected this decline in interest. Growing disillusionment in Congress with certain aspects of the program forced CETA to cut its expenditures by about half a billion dollars and its jobs program by 100,000 positions.

New CETA Youth Programs

Despite the recent decline of interest in certain PSE positions, CETA's youth programs continue to be instrumental in coping with unemployment among minority youth. A major initiative introduced in 1977 under CETA's Youth Employment and Demonstration Project Act (YEDPA) created four programs to deal with special youth employment problems.

(1) The Youth Incentive Entitlement Pilot Projects are designed to help economically disadvantaged youth complete high school. Sixteen to 19-year-olds, in selected geographic areas, are guaranteed a year-round job if they agree to attend high school.

(2) The Youth Community Conservation and Improvement Project is designed to develop the vocational potential of jobless youth through supervised work of tangible community benefit. The project is for unemployed 16-to-19-year olds with preference given to those not in school who have had the most problems in finding jobs.

(3) The Youth Employment and Training Programs are designed to enhance the job prospects and career preparation of low-income youths aged 14 through 21 who have the most difficulty entering the labor market. Those eligible are youths from families whose incomes average no more than $8,900 per year. Young people from families with lower incomes receive preference.

(4) The Young Adult Conservation Corps -- patterned after the New Deal's Civilian Conservation Corps -- is supposed to give young people experience in occupational skills through work on conservation and other projects on federal and non-federal property. Youths aged 16 through 23, who are unemployed and out of school, are eligible.

When fully operational these programs will create about 200,000 new jobs. During 1980, a full scale evaluation of these programs and demographic trends in the labor force will be completed. The review will enable the Department of Labor to seek a reauthorization of its youth employment program based on the experience of what has and has not worked.

Despite the opportunities the various CETA programs have created, there are problems with the system. The U.S. Civil Rights Commission has pointed out that in order to make the CETA programs truly effective, those administering the programs will have to take steps to assure the placement of minority workers in permanent jobs after the completion of training. Public service jobs tend to provide only temporary relief for unemployed persons seeking permanent employment. With CETA-related projects employing nearly 22 percent of all employed black youth, the need for adequate placement in permanent jobs is of utmost importance. According to the Civil Rights Commission, CETA officials have generally been only half as successful in placing minorities and women as they have been in placing white males in unsubsidized jobs upon program completion. Other critics have claimed that despite good intentions, CETA has only made a small dent in the structural unemployment problems and that CETA assistance is not reaching those most seriously in need. Overall, however, it seems that despite continuing problems, CETA programs remain a vital part of U.S. efforts to deal with the difficult employment problems of our minorities and youth.

CETA and Other Government Agencies

HEW has also played a key role in administering CETA programs. Policy planning and technical assistance activities are carried out by HEW national and regional staff in order to provide HEW-funded supportive services to participants in CETA programs. These include general social services, health and educational programs and special services designed for those who are particularly disadvantaged, such as the elderly, youth, handicapped, migrants and Native Americans. HEW has also been involved in establishing special programs for specific groups, particularly the elderly. It has supplied assistance to a new, public service employment program which provides part-time work for the elderly. In addition, HEW's Administration on Aging works together with the Department of Labor to increase full-time employment for the elderly taking part in the CETA programs. A pilot program has been developed within HEW which, when implemented, will establish a mechanism at the state level to increase employment opportunities, as well as services for older persons.

The Department of Agriculture also works closely with the Department of Labor in administering various CETA-related programs. One of those is the Young Adult Conservation Corps which is part of the Youth Employment Demonstration Project Act of CETA. The Job Corps Program, which is administered under the provision of CETA, enrolled approximately 7,000 young people at forest service centers during Fiscal Year 1978. In cooperation with the Department of Labor, 17 Job Corps Civilian Conservation Centers on national forests provided educational and vocational training. The Forest Service of the Department of Agriculture also cooperates with the Department of Labor in administering the Senior Community Service Employment Program which is designed for economically disadvantaged people more than 55-years-old or older who live primarily in rural areas. Enrollees receive supplemental income, personal and job-related counseling, supervision, yearly physical examinations, and, in some cases, placement in regular unsubsidized jobs.

Unemployment Compensation

The U.S. has an extensive federal and state unemployment compensation program. In 1977, 10.4 million individuals received a total of 15 billion dollars in benefit payments under state and federal unemployment compensation programs, a dramatic increase from 6.5 billion dollars in 1976. Each of the states, the District of Columbia and Puerto Rico have separate unemployment insurance laws subject to broad federal guidelines. As of 1975, nearly 90 percent of the work force in the U.S. was covered by some unemployment insurance program, a coverage exceeded only by Sweden (with 100 percent).

Under the Unemployment Compensation Amendments of 1976, unemployment insurance coverage was expanded effective January 1, 1978, to include nine million additional people, primarily state and local workers on large farms and workers in non-profit elementary and secondary schools. With this change, about 97 percent of all wage and salaried employment was covered by some form of unemployment compensation.

In the past several years, various legislative actions improved U.S. unemployment compensation systems. Partly as a response to the high unemployment rates in 1975 and 1976, Congress extended the period for which benefits were paid to the unemployed. For example, in 1976 unemployed persons whose regular benefits were exhausted were eligible for further benefits under the Federal-State Extended Benefits Program. When these benefits were exhausted, they were eligible for the Federal Supplemental Benefits Program.

In addition, the Unemployment Compensation Amendments of 1976 established a National Commission on Unemployment Compensation to study and analyze the extent to which existing programs are affective, particularly in view of changes in the last decade in work patterns and the increase in the number of working women. The Commission is expected to issue its final report in mid-1980.

Job Discrimination

Job discrimination persists in spite of the many federal and state programs designed to overcome it. In an effort to better deal with the problem, President Carter recently reorganized federal programs to enforce equal employment opportunity. The federal Equal Employment Opportunity Commission (EEOC) has been given greater responsibility and authority and it is now the Federal Government's main agency for fighting job discrimination and assuring minorities an equal chance in the U.S. economy. The reorganized EEOC's new structure streamlines the federal process for combating job discrimination and follows the Civil Rights Commission's recommendations for such reform. As a result of this reorganization, the EEOC's field structure has been overhauled with more direct communication established between headquarters and the field.

Rather than looking for instances of discrimination, the EEOC reacts to charges made by individuals or groups. Persons who think that they have been discriminated against by an employer, labor organization or employment agency may file a charge of discrimination with the Commission, which the Commission must then investigate and attempt to conciliate. The majority of cases are resolved through conciliation. Pursuant to its investigations, the Commission is authorized to subpoena documents and testimony. If the Commission finds there is reasonable cause to believe a violation has occurred, and conciliation efforts have failed, the EEOC may then go to federal district court or litigate on behalf of the charging party or parties. Because Congress recognized the difficulty in enforcing the law by merely encouraging voluntary efforts at conciliation, the EEOC, in 1972, was given the authority to sue.

Since 1972, the Commission, according to its own data, has represented about 1,200 cases. In most cases, relief was sought for a class or general category of complaint, not simply for the individual complainant. During Fiscal Year 1978, the EEOC represented about 200 cases and obtained favorable settlement in 160 of them. Over 24 million dollars obtained in these settlements were paid directly to the victims of discrimination.

Another important way to discourage discrimination is the use of federal contracting authorization. Responsibility for the administration of affirmative action programs of federal contractors has been consolidated within the Department of Labor under the Office of Federal Contract Compliance Programs. This office has responsibility for enforcement of Executive Orders which prohibit discrimination in employment and require affirmative action by government contractors on the basis of race, color, religion, national origin or sex. The Contract Compliance Program is administered by 11 departments and agencies, the so-called "compliance agencies," which monitor the equal employment compliance of government contractors by conducting surveys, reviewing affirmative action plans and investigating complaints. The Compliance Office establishes the administrative standards and procedures to be followed by the compliance agencies and audits their performance. It also is responsible for the enforcement of statutes requiring government contractors to take affirmative action to employ and advance qualified, handicapped individuals and veterans. Contractors who fail to comply with any of these requirements may be debarred from bidding on future contracts. Despite these efforts to combat discrimination, the Civil Rights Commission has pointed to problems which persist, including inadequate action by some state government agencies and seniority-based layoffs.

Wages and Occupational Status

One of the charges made by certain CSCE states is that the "average American's" wages have been declining. This is not true except for certain short-term periods. Since real earnings have tended to fluctuate sharply over the short-run, it is possible to select pairs of years when declines were recorded. However, over the past 10 years, a pattern of gradual improvement in real earnings and incomes can be seen. During this period, real average hourly earnings have increased by 6.2 percent.

In addition, increases in total compensation have been even larger than increases in wages in recent years, reflecting a very substantial rise in employer contributions for social insurance, pensions, health benefits, etc. However, it must be recognized that a continuing problem in the area of wages and employment is that minorities and women earn, on the average, less than white men. Affirmative action and other programs launched by the Federal Government have also been aimed at alleviating this problem.

Poverty

One prominent charge leveled at the U.S. is that the poverty program initiated by the Johnson Administration has been a failure. However, the accomplishments since the program started have been significant. The number of persons living below the poverty level in the U.S. has declined by 12 million persons since the enactment of the Economic Opportunity Act of 1964. In 1964, 36 million persons, or 19 percent of the population, were below the poverty level. By 1977, the number of persons below poverty had declined to 24.7 million, representing 11 percent of the total population. This represents a decline of 31.4 percent of the number of persons below poverty and a decline in the poverty rate of 7.4 percent.

Unfortunately, large disparities in poverty rates still exist between whites and minority groups. In 1977, 7.7 million or 31.3 percent of all blacks were living below poverty level, a decline from 8.9 million or 41.8 percent in 1966. The number of whites living below poverty levels declined from 19.3 million in 1966 to 16.4 million in 1977. Bureau of Census statistics for 1975 show Hispanics were two and one-half times more likely to live below the poverty level than whites.

While the continued existence of poverty in the U.S. is deplorable, some progress has been made. It is noteworthy, for example, that the majority of participants in all CETA programs during Fiscal Year 1978 were economically disadvantaged prior to their enrollment in CETA. The Administration's new Welfare Reform proposal should help those living below the poverty line by providing for employment and training for parents in low-income families. A primary goal of this proposed program is to ensure that parents have the opportunity to earn a basic income either through a private sector or public service job from which wages and supplementary income assistance can assure an income above poverty level.

Occupational Safety and Health

The Occupational Safety and Health Act (OSHA) of 1970 is designed to "provide every working man and woman in the Nation with a safe and healthful workplace." The CSCE Commission finds that, while this goal has not yet been reached, significant progress has been made.

OSHA has been the target of much criticism, particularly in its initial years. Yet from 1972 to 1976, occupational injury and illness incidence rates decreased almost 16 percent. There were even larger decreases for certain highly hazardous industries such as contract construction, where the injury/ illness rate fell 20 percent. Worker fatality rates in this period also fell nearly 10 percent.

Perhaps even more significant than these statistics is the heightened concern for workplace safety and health that has been promoted as a result of the OSHA legislation. This concern is reflected in the increase in collective bargaining agreements with safety and health provisions, the formation of labor management safety and health committees, and the increase in safety and health expertise employed by industry and labor. An indication of the heightened awareness of the need for workplace safety and health is the increase in the number of federal safety inspectors and hygienists from 754 in 1974, to 1,504 in 1978.

In 1977, OSHA's basic approach was redirected. Ninety-five percent of its discretionary inspections were focused on the high hazard industries. As a result the percentage of serious, willful and repeated violations discovered by OSHA inspectors climbed from 3 percent in 1976, to 27 percent in the first nine months of 1979. OSHA policy now provides that any complaint which may constitute an imminent danger, whether received from an employee or any other source, is to be inspected within 24 hours. Complaints about conditions that may represent serious hazards to workers are to be investigated within three working days of receipt of the complaint. As a result of this policy, employee complaints are becoming the basis of an increased portion of total OSHA inspections.

OSHA recently instituted a major grant program in the area of training and education to increase employee and employer awareness of safety and health hazards. Research is underway in OSHA and in the related agency in HEW, the National Institute for Occupational Safety and Health, to analyze specific types of accidents and evaluate the effectiveness of specific safety standards.

The basic measurement of the size of the health and safety problem in industry is the lost workday injury rate. Using this indicator, which covers injuries resulting in at least one lost workday, the Department of Labor reported that about one out of 27 workers suffered an injury on the job in 1977. This is considerably lower than the figure of one out of 10 workers mentioned in the press of another CSCE country.

The Department of Labor has issued, or is currently working on, standards covering carcinogens, asbestos, pesticides, lead, benzene and cotton dust, in an effort to combat chemical hazards in the workplace. However, the state of knowledge about occupational exposure and disease in humans is just developing. The long latency periods between exposure and the onset of disease make it difficult to determine cause-effect relationships. One preliminary U.S. research effort in the health area, reported in the press of the Soviet Union, surveyed a sample of work-places to determine potential exposure to toxic compounds and processes, and found that nearly one out of every four workers was potentially exposed. This is a problem which affects workers in hazardous industries worldwide and, as the survey shows, the U.S. is making efforts to learn as much as possible about this problem.

As an aid to small business, on-site consultation has been expanded and federal matching funds to the states for such consultation have been drastically increased. Presently, consultation is available in almost every state, either through a state program or from private consultative sources under contract with OSHA. Consultants advise employers on recognizing and eliminating workplace hazards at no cost to employers, with preference given to small business employers in high-hazard industries.

In the area of mine safety, the Federal Mine Safety and Health Act of 1977 contained new provisions which extended enforcement activity, provided for an increased number of complete inspections of mines, specified several new miners' rights and directed new or additional enforcement activities in the areas of mine rescue and toxic substances. Under the Federal Mine Safety Administration's "resident inspection program," federal inspectors are assigned to conduct safety checks daily at potentially dangerous coal mines.

Black lung disease among coal miners is one of the most difficult and prevalent hazards encountered in any workplace. Progress has been made in implementing the Labor Department's black lung benefits program, which was strengthened in 1978 with the signing by President Carter of the Black Lung enefits Reform Act of 1977 and the Black Lung Benefits Revenue Act of 1977. These Acts, which are the result of over four years of comprehensive Congressional review of the black lung program, have removed restrictive provisions in the old law. The former restrictions prevented a large number of claimants, who would otherwise have been eligible, from receiving benefits. Reforms were also made in the financing provisions of the program.

Trade Unions

Criticism charging that labor union activists in the U.S. are threatened with imprisonment for participation in strikes are untrue. In fact, the government provides extensive protection for workers who act in defense of their interests. Over the years, legislation has been adopted to provide government support for employees' basic trade union rights including the right to strike. Since 1935, the landmark National Labor Relations Act (NLRA) and the 1947 Labor-Management Relations Act have provided protection for all workers who wish to organize into trade unions and have guaranteed the right of such unions to bargain with their employers. A later basic law relating to trade union rights is the Labor-Management Reporting and Disclosure Act of 1959. Title I of the Act, designated the "Bill of Rights of Members of Labor Organizations," sets forth certain basic rights guaranteed to trade union members by federal law, including the right to nominate candidates for union leadership, to vote in elections or referendums of the labor organization, and to attend membership meetings.

The system of collective bargaining promoted by the NLRA provides millions of American workers with an opportunity to have a direct choice in setting their own wages and working conditions. To enforce its basic guarantees, the NLRA established a National Labor Relations Board (NLRB). This independent federal agency has two principal responsibilities. First, the Board is responsible for resolving representation disputes, including secret-ballot elections. Second, the NLRB is responsible for enforcing measures against "unfair labor practices," which typically involve conduct interfering with the right of employees to participate in or refrain from organizing activities, and which inhibit free collective bargaining, or violate other legitimate interests or rights of those party to a labor dispute.

While the system of collective bargaining promoted by the NLRA has been generally successful, some of the difficulties which have arisen are illustrated by the trade union movement's 15-year campaign to organize J.P. Stevens and Co., a large textile firm. This case has been cited in criticism of trade union rights in the U.S. In the latest of several NLRB rulings, J.P. Stevens and Co. was held to have bargained in bad faith for almost two years -- with no intention of reaching a contract -- after employees at seven plants voted to have the Amalgamated Clothing and Textile Workers Union, AFL-CIO, serve as their agent. The Board found that the textile company's bargaining strategy produced unfair labor practice violations that did not encourage the practice and procedure of collective bargaining. The Board ordered the textile company to bargain in good faith and directed it to take other remedial action. Thus, the Board has acted in defense of workers' rights in keeping with the spirit of the Helsinki Final Act.

Since the U.S. was criticized in 1973 by an International Labor Organization (ILO) Committee of Experts, the right of public employees to join labor unions has become increasingly recognized. Union membership for public employees is protected by the right of association stemming from the First and 14th Amendments. If municipal employees are discharged because they have joined a union, they have recourse under federal law. State statutes providing that no person will be denied public employment for having been a member of a labor union, have, in recent years, been invoked to invalidate city ordinances forbidding municipal employees to join labor unions.

Conclusion

The foregoing analysis of employment in the United States underscores the importance attached to economic rights and opportunity in American society. To fulfill its obligations under the CSCE Final Act, the U.S. Government has initiated numerous programs to remedy existing inequities. Efforts to ensure maximum employment continue in the main through various CETA programs, while energetic steps have been taken to combat job discrimination and perfect the system of unemployment compensation. New measures have been undertaken to help make the work place safer and healthier. Trade union rights have been extended to a wider range of workers than ever before.

Although there have been and continue to be improvements in the U.S. record, the need for further improvement is evident in regard to employment opportunities for minority youths, blacks, Hispanics and women. Further efforts must also be made to ensure that the danger of exposure to toxic substances in many industries is reduced. Despite shortcomings, the U.S. record in the area of employment is a good one and is in keeping with the commitment to protect economic rights as well as the other fundamental human rights set forth in the Heslinki Final Act.

HOUSING

In Principle VII of the CSCE Final Act, signatory nations pledge to "promote and encourage the effective exercise of... economic...social...and other rights and freedoms." The participating states agreed that these basic human rights should be protected and provided "without distinction as to race, sex, language or religion." The opportunity to obtain adequate housing is generally considered to fall within the category of basic economic rights. The U.S. Government, in signing the Helsinki accord, has extended its own commitment from a domestic to an international level in the ultimate goal of providing decent housing for its citizens.

Lack of Adequate Housing

Among the criticisms advanced by certain CSCE states and domestic observers concerning U.S. housing is the charge that there is not enough publicly financed housing to meet the needs of the economically disadvantaged. Housing assistance programs are said to be woefully inadequate. Critics contend that those facilities that do exist are physically deteriorated, poorly and arbitrarily administered, and are hotbeds of crime. It is also alleged that low and moderate income homeowners find it difficult to obtain the funds necesary for repairs of privately financed housing. A third major criticism is that minority group members and the elderly suffer disproportionately from the lack of suitable housing.

Developments in the U.S. economy since the signing of the Helsinki accords in 1975 have exacerbated these problems. High interest rates and rising home prices and rents, coupled with climbing operating costs for public housing units, have further limited the ability of families -- especially lower income families -- to purchase homes or to find affordable and adequate housing. The housing problem has worsened due to the displacement of low and moderate-income families by urban renewal projects, inner-city restorations and renovations and large-scale condominimum conversions.

While the Federal Government has been committed to meeting the housing needs of low-income households for over 40 years, numerous government agencies have developed a broad range of new mechanisms to provide housing assistance since the signing of the Final Act. In an effort to resolve some of the problems mentioned above, omnibus legislation was enacted in 1976 that reflected the changing emphasis in the housing situation. Since then, new initiatives and program modifications have continued.

Even though there was a decline in U.S. housing production from 1974 to 1975, the Department of Housing and Urban Development (HUD) reports that there has been a general improvement in the housing situation in the United States.[18] According to HUD, the number of homeowners in the U.S. has increased over the years to almost 65 percent of all households in 1977. Record-breaking sales of new single family housing and record sales for existing single family housing after 1977 show that the number and proportion of homeowners is still on the rise. In addition to this increase in homeownership, HUD maintains that housing quality in the U.S. is improving. Housing units, for example, have become less crowded and more modern. In 1970, 1.3 million units were considered crowded, with more than one and one-half persons per room. This number was reduced to .7 million in 1977. In 1970, 5.5 percent of all American households did not have complete plumbing facilities. By 1977, steady progress in upgrading housing stock had reduced this number to 2.4 percent of all U.S. households. More recent figures indicate that the number of Americans living in inadequate housing is continuing to decline.

Housing Programs

The Department of Housing and Urban Development (HUD) is the major federal agency responsible for improving housing conditions in the country. According to the Congressional Research Service (CRS) of the Library of Congress, approximately 3.5 million low and moderate-income families received some form of federal housing subsidy in 1978. Roughly 2.5 million families were assisted through HUD programs, while another one million families participated in programs administered by the Farmers Home Administration (FmHA), an agency in the Department of Agriculture. This total does not inlude families assisted under programs of the Veterans Administration, the Department of Defense, unsubsidized programs of the Federal Housing Administration, or those who receive tax preferences as homeowners or developers of rental housing.

Leased Housing Program

Currently, the primary federal instrument to help low-income households obtain decent housing is the leased housing program established in 1974 as Section 8 of the United States Housing Act of 1937 and amended by Title II of the Housing and Community Development Act of 1974.

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[18] Commerce Department, U.S. Bureau of Census, Housing Starts, June of 1978.

Under this program, an assisted household pays a certain percentage of its gross income for rent (depending on family size), and HUD pays the landlord the difference between the tenant's payment and the rent that the landlord has negotiated with HUD. The program provides assistance to households earning 80 percent or less -- the percentage is adjusted for family size -- of the current median income in the metropolitan area. At least 30 percent of those families assisted must have "very low" incomes -- below 50 percent of the median. The Section 8 program operates for existing housing, new construction, substantially rehabilitated and moderately improved housing units and has been expanded and modified to respond to new issues. A number of special statutory restrictions that had curtailed HUD's flexibility in meeting local needs and preferences were greatly eliminated in 1979.

Research based on information collected in late 1976 and funded by HUD's Office of Policy Development and Research indicated a high level of satisfaction by participating landlords, families and the local agencies administering the Section 8 Existing Housing Program. In HUD's view, the program has worked well in a broad range of cities and towns, including localities which had never before participated in subsidized housing programs. HUD's research further indicates that the program is properly administered and that the quality of units leased under the program is good, despite the low program costs. This program has resulted in the extensive involvement by landlords owning or managing fewer than 10 units who previously had not participated in federally subsidized housing programs. Furthermore, approximately 50 percent of all the units leased were single family dwellings. These findings are significant in the light of census data indicating that 70 percent of America's housing stock is in buildings with nine or fewer units, structures of a size which have generally not been represented in previous HUD programs.

In recent years, the government has emphasized the Section 8 program, in all of its forms. The program allows families greater choice as to where they live and allows a broad dispersal of subsidized housing, so that there are fewer dense concentrations of low-income dwellings in a particular area. And because the burden of building and maintaining this housing falls on the private sector, the government's per household cost is less, thereby freeing funds for assisting additional households.

Conventional Public Housing Program

In HUD's conventional public housing program, local public housing agencies build, own and operate low-rent public housing projects. HUD helps to finance the construction of the project and provides financial assistance to cover operating costs as well. Projects are designed for low-income families and individuals. Although income limits to qualify for the program vary by area and are adjusted for family size, the maximum rents charged cannot be more than 25 percent of the tenant's adjusted income. Besides families, the elderly, handicapped or displaced single persons are potentially eligible. In 1976, eligibility requirements were liberalized somewhat to permit single persons to occupy up to 10 percent of a public housing project.

According to HUD, in the years after 1976, the Department has been trying to improve conventional public housing as part of an effort to revitalize urban areas. In this regard, HUD has worked to foster coordination with other federal and local agencies involved in housing and community development programs and to react to the specific complaints that public housing facilities are physically deteriorated, poorly managed and crime infested. Although HUD characterizes only four percent of a total of 1.2 million public housing units as deteriorated or in poor condition, numerous programs to alleviate these problems have been established.

Among these are specific programs designed to upgrade living conditions, improve tenant selection and assignment procedures, solve security problems and stimulate state and local government and private sector involvement in public housing neighborhood improvement.

Conventional low-rent public housing has provided valuable aid to families at the bottom of the income scale; 68 percent of all families occupying public housing units in 1977 had annual incomes below $5,000. Low income elderly persons, in particular, have benefited from the program; in 1977, the elderly occupied 42 percent of all public housing units. In general, the program has increased the availability of standard quality housing for the poor. In 1978, over 60,000 units were planned for development, and HUD estimates that over 47,000 will be approved for development in 1979.

Mortgage Programs

Having assumed the administration of programs previously run by the now-defunct Federal Housing Administration (FHA), HUD ensures mortgages in order to encourage home ownership and the construction and financing of housing. For example, one program provides mortgage insurance and interest subsidy for low and moderate-income home buyers. To enable eligible families to afford new homes, HUD ensures mortgages and makes monthly payments to lenders to reduce interest to as low as 4 percent. Another program -- the Graduated Payment Mortgage Program -- has experienced remarkable growth and acceptance by both consumers and the mortgage industry. Graduated payment loans are a device to allow prospective home purchasers who are marginal credit risks -- those with little financial wealth and low income -- to finance a house that they might otherwise not have been able to finance by, in essence, borrowing on their future income. Activity under the program is expected to grow significantly in 1979. Other programs provide mortgage insurance to marginal income families who are displaced by urban renewal or similar changes.

Special Assistance Programs

Special assistance programs are available to help meet the housing needs of Native Americans, the elderly and the handicapped. HUD is authorized to make direct loans to finance rental or cooperative housing for the elderly or handicapped. This program, combined with the Section 8 program, is the major means of providing housing assistance to the elderly.

In 1979, the projected number of new housing units for elderly or handicapped persons was increased to 21,000 units. In addition, 50 million dollars was designated for non-elderly handicapped housing.

HUD also administers programs specifically intended to aid Native Americans. In order to strengthen these services, a separate Office of Indian Housing was created and a Special Assistant was appointed to coordinate all programs that affect Indians and Alaska Natives. On December 1, 1978, HUD submitted the First Annual Report to Congress, called Indian and Alaska Native Housing and Community Development Programs. This report included a summary of the year's activities, a statistical report on the condition of Indian housing, and a suggested agenda for future consideration. HUD figures indicate that construction starts of housing for Indians increased from 3,900 in 1977 to 4,500 in 1978.

Miscellaneous Programs

In a fresh approach to solving the housing problem, HUD inaugurated two major programs for administering grants to local governments to finance a wide range of community and neighborhood development activities that were previously conducted under the urban renewal and model cities programs.

In 1974, the Community Development Block Grant (CDBG) program was established. The program assures that cities with populations over 50,000 and urban counties are entitled to receive HUD assistance provided certain requirements are met and HUD approves the community development plan submitted by local officials. The primary objective of the CDBG program is the "development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income."[19] Then HUD Secretary Patricia Harris reaffirmed these objectives in an April of 1977 letter to all recipients. In 1977, 1,343 metropolitan areas and urban counties received 2.8 billion dollars in block grant funds.

The Housing and Community Development Act of 1977 made changes in the Community Development Grant program which reflected the intent of Congress and HUD's new directions in administering the program. The 1977 Act refined the program significantly through new regulations, adding study of small cities and providing for technical assistance.

The Urban Development Action Grant (UDAG) program was created in 1977 to assist distressed cities and urban counties characterized by declining populations, older housing stock, high unemployment and poverty. Most of the funds are targeted to metropolitan areas, but at least 25 percent of the funds go to cities under 50,000 population.

According to HUD, action grants add a new dimension to efforts to rejuvenate severely distressed cities by making assistance available for revitalizing economies and reclaiming of neighborhoods. A total of 400 million dollars annually, for the years 1978, 1979 and 1980, has been budgeted for the program.

HUD is investigating other methods of coping with the unique types of housing problems that have developed recently. In the spring of 1979, HUD issued the first of a two-part report on the nature of displacement in housing. The report synthesized available information and statistics on the number of poor home owners who are displaced by inner city restoration and urban renewal projects. However, it was criticized for its conclusion that displacement is the reason for only a small percentage of household moves. HUD plans to publish recommendations regarding a national policy on displacement in the future.

Moreover, HUD is conducting research on the high cost of renting and owning housing. A newly created Task Force on Housing Costs has advanced 150 recommendations to help reduce housing costs. HUD is now implementing those over which it has authority.

Housing Programs of Other Federal Agencies

While HUD is the chief federal agency furnishing housing assistance to low and moderate-income households, several other government agencies direct programs that supplement these housing services.

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[19] The Housing and Community Development Act of 1974.

Farmers Home Administration

The Farmers Home Administration (FmHA), an agency of the U.S. Department of Agriculture, is fundamentally a farm credit organization which also extends credit for rural and community development. In 1977, housing assistance programs accounted for almost half of all FmHA expenditures for the year.[20] Of these, the Homeownership Program dispenses loans to low and moderate-income rural residents who would otherwise not be able to purchase, build, repair or rehabilitate a single family dwelling. Although the program has assisted approximately one million rural families since its inception, only a small percentage of very low income families have participated in the program.

Another major housing assistance effort is the FmHA's rural renting program. The FmHA makes loans available to construct or repair rural multi-family rental housing for low and moderate-income households and the elderly. Again, even though the program serves a large number of households, critics say the housing erected is often too costly for the poorest families.

In an attempt to remedy this weakness, the FmHA is now making loans available to certain low-income, rural residents who cannot afford to participate in the present homeownership program. Moreover, the FmHA has begun a new strategy of acquainting needy individuals with the programs available to them and counseling them during the application process.

The FmHA has studies underway to identify and resolve other problem areas in rural housing. The FmHA plans to complete a study in October of 1979 that will recommend changes in federal and state procedures in order to halt the rapid decline in black ownership of farm land. Other studies planned or in progress involve migrant and settled farm worker housing and the improvement of services to the rural elderly.

Health, Education and Welfare

The Department of Health, Education and Welfare (HEW) administers programs designed to improve living conditions in U.S. cities. For example, the Public Health Service of HEW subsidizes local efforts to prevent and treat lead poisoning in children, and a division of the Public Health Service maintains an Urban Rat Control Program that emphasizes a block-by-block approach to eliminating the breeding grounds of rats. In an attempt to address other housing concerns, HEW's Administration on Aging works with the Farmers Home Administration to provide group housing for elderly persons who live in depressed rural areas.

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[20] The Civil Rights Commission, The Federal Fair Housing Enforcement Effort, March of 1979.

ACTION

The Agency for Volunteer Service (ACTION), is the administrative agency that coordinates all federally supported volunteer programs, such as Volunteers in Service to America (VISTA); the Retired Senior Volunteer Program (RSVP); and University Year for Action (UYA). The VISTA program has developed a number of strategies for improving housing conditions among the poor. RSVP and UYA also devote much attention to housing as a basic human need.

Community Services Administration

In its Annual Report for 1976, the Community Services Administration (CSA) maintained that housing for the poor has been a major priority in its community action and other anti-poverty programs. CSA's housing research and demonstration projects are grouped under the "Rural Housing Development and Rehabilitation" program.

Discrimination in Housing

In testimony before the CSCE Commission in April of 1979 and in the 1979 report entitled The Federal Fair Housing Enforcement Effort, the U.S. Commission on Civil Rights asserted that evidence of discrimination against minorities in housing is still widespread. Repeating many of the same charges that private groups have voiced in the past, the Commission maintains that the real estate practices of "redlining" and "exclusionary zoning" are civil rights issues that are attracting growing national concern. Redlining occurs when mortgage lenders refuse to make loans or deliberately impose stiffer purchasing terms on residents of neighborhoods with a large proportion of minorities. In exclusionary zoning, local zoning ordinances do not permit the erection of high density or multi-family dwellings, thereby effectively excluding most low-income persons from the area.

The Civil Rights Commission has concluded that the federal fair housing effort is inadequate; the primary federal law against housing discrimination is weak and sorely lacking in effective enforcement mechanisms. Furthermore, the Commission maintains, federal agencies have not fulfilled their legal responsibiity to ensure equal housing opportunity. Finally, according to the Civil Rights Commission, the Federal Government's expenditures to enforce housing laws are not sufficient to redress the problem.

Title VIII of the 1968 Civil Rights Act, often called "The Fair Housing Act," prohibits discrimination based on race, color, religion, sex and national origin in the sale or rental of most housing. It is the principal federal statute mandating fair housing. Another major fair housing legislative act is the 1974 Equal Credit Opportunity Act, which was amended in 1976 to bar discrimination in credit transactions.

Fair Housing Programs

HUD is responsible for overall administration of Title VIII and is charged with investigating complaints of discrimination under that title. HUD's statutory lack of enforcement power -- it has no "cease and desist" authority to halt sales or rentals pending the resolution of a discrimination complaint and it cannot secure injunctive relief -- is often cited as the chief obstacle to adequate protection of equal housing rights as envisioned in Title VIII.

Former HUD Secretary Patricia Harris, in March of 1979, responded in detail to these charges. Acknowledging that the Civil Rights Commission report "to a major degree reflects the state of HUD's civil rights program as of January of 1977," Secretary Harris added that the report does not incorporate progress that has occurred since the introduction of HUD's comprehensive strategy to strengthen Title VIII enforcement.

The focal point of this strategy is the amendment of Title VIII to correct deficiencies that impede HUD's ability to aid discrimination victims. HUD has worked closely with Congress to develop the necessary remedial legislation. The Fair Housing Amendments Act is presently before the House and Senate Judiciary Committees. Another step recently taken is the total reorganization of the leadership and structure of HUD's Fair Housing function.

Other components of the comprehensive strategy include:

(1) A new, rapid response complaint system;

(2) New regulations clarifying what acts are discriminatory under Title VIII of the Civil Rights Act of 1968;

(3) Radically improved processing of complaints referred to state and local fair housing agencies;

(4) Investigation of the patterns and practices of large-scale discrimination; and

(5) The institution of cooperative arrangements with the federal financial regulatory bodies in the investigation of discrimination complaints.

As a means of examining the extent and kinds of discrimination and suggesting and testing methods of countering those problems which do exist, HUD's Office of Policy Development and Research has undertaken several projects. These include a study of race and sex discrimination by mortgage lenders; an evaluation of Title VIII; a study on redlining; an assessment of the current practices of the real estate community with an eye toward affirmative marketing; and a series of workshops dealing with women and mortgage credit. In addition, a project aimed at improving the administration of state and local agencies in combating discrimination is presently underway.

HUD maintains that the continued expansion of its civil rights compliance program should significantly reduce the number of persons who may be subject to discrimination in HUD-assisted programs. For example, administrative hearings involving alleged non-complying recipients have increased substantially since 1975. Between 1977 and 1978 alone, HUD increased the number of cases prepared for hearing from five to 13. Between 1977 and 1978, compliance reviews increased from 219 to 259. Complaints investigated increased from 14 to 32 during that period.

In his testimony before the CSCE Commission, Deputy Assistant Attorney General John Huerta reaffirmed the Justice Department's commitment to assuring housing choices for all citizens. According to Huerta, housing cases have involved a wide variety of defendants ranging from small trailer parks to large real estate firms, apartment management companies and municipal governments. Huerta said that, "for the most part, the Civil Rights Division in the Justice Department has been highly successful in securing the implementation of comprehensive affirmative action programs to guarantee the housing rights of minority groups." A number of consent decrees stemming from these cases have resulted in monetary awards to victims of discrimination.

Since 1968, the Justice Department has brought 350 actions under its power to sue when it discovers broad "patterns and practices" of housing discrimination and a strong body of legal precedent against housing discrimination has been established in U.S. courts.

The Civil Rights Division received its equal lending responsibilities in 1976 under the Equal Credit Opportunity Act. Huerta reported that in this brief time, the Division has already brought to court a number of significant cases in this area and has participated as amicus curiae in one case in which the Equal Credit Opportunity Act was attacked as unconstitutionally vague.

The four federal financial regulatory bodies -- Federal Home Loan Board, Federal Reserve Board, Federal Deposit Insurance Corporation and the Comptroller of the Currency -- have strengthened their enforcement of equal credit opportunity in housing by establishing fair housing divisions and clarifying rules about fair housing for the lenders they regulate. Nevertheless, as of May of 1978, none of the agencies had initiated formal action against possible violators.

The Civil Rights Commission has proposed that certain improvements be made in the federal enforcement of fair housing laws. Besides the amendment of Title VIII -- a change HUD is already actively pursuing -- the Commission recommends internal reorganization to strengthen a separate Equal Housing Administration within HUD and an increase in funding for federal fair housing enforcement programs. The recommendations are well advised. It is essential that HUD continues to execute the changes that have been proposed and that all federal agencies concerned bolster their efforts to end discrimination in housing. Government housing agencies recognize the failings in their enforcement strategies and have attempted to rectify the problems. But there is still room to improve and invigorate specific programs along the lines that the Civil Rights Commission has suggested. Where such programs are hampered by lack of resources, additional funds should be made available if fiscally possible.

Conclusion

The U.S. Government's numerous and varied on-going housing programs indicate a firm, abating commitment to comply with the Helsinki Final Act's provisions on economic and social rights. There has been a resolute effort to address new issues that have surfaced in the housing field and accordingly to update, modernize and expand projects and programs.

Government statistics confirm overall trends of improvement in the quantity and quality of housing in the U.S. In order to sustain these achievements and eventually realize full compliance with the CSCE Final Act, more direct action -- beyond studies and task forces -- is needed to resolve recent housing problems. The review of existing programs must continue as well. Longstanding weaknesses in these programs can only be corrected through reevaluation and then revision of prevailing policies.

WOMEN'S RIGHTS

In Principle VII of the Final Act, the CSCE states committed themselves to guaranteeing women's rights commensurate with those enjoyed by men. Principle VII states that human rights and fundamental freedoms -- including civil, political, economic and social rights -- should be accorded to all "without distinction as to...sex."

How well the United States has fulfilled its obligations in this sphere has been the subject of considerable debate in this country in recent years. The women's movement, an increasingly vocal and well-organized political force, has succeeded in drawing attention to what adherents purport is the unjust, unequal status of women in the U.S. In the words of Phyllis Segal of the National Organization for Women (NOW), "According to the Federal Government's own reports, it is clear that (domestic, civil and economic rights) still have not been extended fully to women, and that sex-based discrimination continues to be a problem of major proportions."

Critics such as Segal detect the presence of unequal treatment on the basis of sex in many areas of the American political, economic and social system. In the political realm, they note that too few women hold political offices. This, they contend, is a major reason why the required number of state legislatures have failed to ratify the Equal Rights Amendment (ERA), in what Segal calls the "most insidious example of this country's non-compliance with its international human rights commitments." Failure to ratify the ERA has been scored by critics from other CSCE countries as well. Valentin Zorin, a political commentator for Radio Moscow notes: "The United States is one of the few countries in the world whose Constitution fails to give women the same rights as men."

While the U.S. record in according women equal legal and political rights has been subjected to some scrutiny, it is in the area of economic and social rights where critics uniformly see the most pervasive inequities. A wealth of statistical anaylses buttress this view: "Women make up 63 percent of the 16 million living below the poverty level." "The national unemployment rate for women is 7 percent as compared to 5 percent for men." "For the past 20 years the wage gap between women and men has remained unchanged, with women averaging about 60 cents an hour for every dollar earned by men."

Critics charge that women face other economic hardships as well. They note that women workers are disadvantaged under the U.S. Social Security System which is designed in such a way that dependent non-working women in some cases qualify for higher benefits than their working counterparts -- those who have made actual monetary contributions to the system.

In discussing these and other aspects of women's problems, critics make one final charge. According to representatives of the Washington Helsinki Watch Committee, "What is most significant about many of these deficiencies is that they are directly tied to practices of discrimination that are prohibited by laws that are not being adequately enforced by the Federal Government." They charge that, where steps have been taken to rectify various inequalities, the U.S. Government has been remiss in enforcing them. These same critics point to the non-enforcement of the 1972 Education Amendments to the Civil Rights Act as a prime example of this type of governmental non-action.

The various criticisms leveled at U.S. performance in providing equal rights to women and men raise a number of questions about U.S. compliance with the CSCE Final Act. First, to what extent do women in the United States experience discrimination as a result of their sex? Second, is the Federal Government effectively pursuing policies designed to bring U.S. performance into line with our Final Act commitments? Finally, what are the prospects for improving U.S. compliance with this particular Helsinki commitment?

Changing Status of U.S. Women

Dramatic changes have occurred in recent years in the roles and responsibilities of women in American society. From the traditional stereotype of homemaker, wife and mother, the American woman has evolved increasingly into businesswoman and provider. As a result of increased life expectancy, a higher divorce rate and smaller families, female participation in the labor force has risen rapidly and will likely continue to do so. For example, 30 years ago, the Department of Labor reports, 35 percent of adult women worked outside the home. Today, 56 percent of the adult female population is thus employed. In the next 10 years the number is expected to rise to 67 percent. As a result, two-thirds of all women between the ages of 20 and 64 will be in the labor force at any one time and it is estimated that 90 percent of today's American women will be in the work force at some point in their lives.

Most women work because of economic need. Two-thirds of women in the labor force in 1977 were single, divorced, separated, widowed or married to husbands who earned less than 10 thousand dollars a year. Twenty-five percent of the households in the United States are headed by women. The number of married women (with husbands present) who are active in the labor force has increased five-fold since 1940.

From this, it is clear that the American social fabric has undergone a radical change in the last 40 years. No longer is the family of four with male breadwinner and female homemaker the norm. At the same time, some of our laws and social programs, but particularly society's attitudes, have failed to keep pace with this change.

Political Rights

In the political sphere, for example, women hold fewer than 10 percent of all elective offices in the United States, although they comprise more than half of the total population (51.3 percent). In Congress, the ratio of men to women is 30 to one. Out of 435 members of the House of Representatives in 1979, women hold 16 seats -- the same number as 40 years ago. Of the 50 Senators, one one is a woman.

These figures give some indication of the degree of female political participation at the national level. However, focusing exclusively on this level of political representation can be somewhat misleading because women only recently have become an effective political force in the U.S. They have, in many instances, not had sufficient lead time to build a base from which to enter national office. On the state level, however, female politicians are making greater inroads. There are more than twice as many women holding seats in state legislatures in 1979 as there were in 1969. Twenty-five percent of this increase has occurred since the 1975 signing of the Helsinki accords, with the result that women now hold 10.2 percent of all available state legislative seats. Women are becoming successful competitors for other statewide offices as well. There are currently two women governors and six female lieutenant governors, an increase of four in the last election. At the local level, the number of women mayors has increased by 25 percent since 1975.

Much of the recent success women have achieved in the political arena has resulted from their own efforts, hard work and determination. On the other hand, the commitment to integrate women more completely into the political process is recognized, and is being acted on by the U.S. Government, and political party organizations. President Carter has appointed more women to office than any other president in history. Of the five women cabinet secretaries in U.S. history, two -- former Commerce Secretary Juanita Kreps and former Housing and

Urban Development, now Health, Education and Welfare Secretary Patricia Harris -- were appointed by President Carter in 1977. Carter is also making an effort to bring more women into the Federal Judiciary.

The effect of presidential action in ensuring women an equal place in U.S. political life is limited, however. The real burden for stimulating increased female political participation lies instead with the respective political parties. Fortunately, positive steps are being taken in these sectors as well. In 1976, for example, the Democratic Party enacted a rule that one-half of the delegates to its 1980 national convention must be women, thus ensuring that women will have a more forceful voice in formulating party policy. During the 1978 elections, the Republican Party sponsored a campaign training program for state level candidates, many of whom were seeking office for the first time. Since women are a large percentage of those entering politics at this level, the Republican program proved to be a real boost for women candidates. Sixty-two new women representatives were elected to State Legislatures from the Republican Party in 1978, as compared to only two from the Democratic Party.

These figures and policies serve to indicate that, while women may not have yet attained full political representation in the U.S., the trend is clearly in that direction and is being actively encouraged by government at all levels. Particularly since 1975, when the Helsinki Final Act was signed, women have been increasingly frequent actors on the political stage, appearing in far greater numbers as state legislators, mayors and state-cabinet level officials. In fact, the National Women's Political Caucus has made the optimistic observation that the 1978 elections created a pool of women office holders "to draw on for future congressional, vice-presidential and presidential candidates."

Civil Rights

American women enjoyed equal basic civil rights such as the right to vote and the right to participate in court proceedings long before the Helsinki Final Act was signed. At the same time, however, a number of laws created ostensibly to protect women from financial and other burdens, served merely to accord them secondary legal status in areas such as marital property rights and taxation.

Many such laws and practices were changed before the Final Act was signed. Since then, more have been changed; and today, most legal inequalities have been successfully eradicated. The few that remain appear to be on their way out.

Critics of U.S. compliance with equal rights standards often cite a U.S. Civil Rights Commission finding that more than 800 sections of the U.S. Legal Code discriminate against women. A perusal of the 800 sections the Commission identified in a 1979 report as requiring change suggests, however, that most are suspect on the basis of their semantic overtones, not because they reflect discriminatory practices per se. For example, one of the most frequent recommendations the report makes is to replace sex-related words such as mother and father, husband and wife, with their sex-neutral counterparts -- parents, spouse, etc. -- even in instances where no substantive difference in legal treatment is implied. Another typical Commission suggestion advises that the word man-made be replaced by the word artificial. Such words, however, reveal more about traditional English language usage than about the status of equal rights in the United States. On the other hand, in those few instances where the Commission has identified sections which unfairly differentiate between men and women, changes are clearly in order.

Unfortunately, a major national effort which would stimulate such changes has not yet succeeded. In fact, the failure of state legislatures to approve ratification of the Equal Rights Amendment (ERA) has been cited by both domestic and foreign critics as one of the worst examples of U.S. noncompliance with the Helsinki accords.

This charge would be indisputable were ERA the only vehicle for ensuring that women are accorded equal rights under the law. For example, some ERA opponents have argued that existing Constitutional provisions, as well as individual legal reforms, will ensure that women's rights are adequately protected. Conversely, proponents argue that without ERA, existing legal inequalities would have to be redressed on a piecemeal basis and without a clear mandate or single coherent theory of what constitutes equal treatment. Necessary changes would be made only sporadically and then inconsistently. In addition, they question why there should be such strong opposition to stating such an obvious truth -- that women should have equal rights.

The President and Congress of the United States remain committed to the eventual inclusion of the Equal Rights Amendment in the Constitution. President Carter has lent his strong personal support to the pro-ERA campaign and urged state legislators to vote in favor of the amendment. Congress last year saved the ERA from defeat by extending the deadline for its ratification from March of 1979 to June of 1982. Thus,

Thus, Federal Government support for the campaign to ensure women equal treatment under U.S. law has been consistent with the Helsinki accords.

Economic Rights

Employment

While the U.S. has made progress in according women equal civil and political rights, problems still continue to plague government efforts to equalize women's participation in the labor force. For example, Alexis Herman, former director of the Labor Department's Women's Bureau (a government body concerned solely with improving the position of women in the labor force), recently gave this overview of women workers:

> "Women's labor force participation has increased dramatically in the past decade, accounting for nearly 60 percent of the increase in the civilian labor force. In 1977, about 40 million women workers made up 41 percent of the nation's work force. Nearly half of all women 16 years of age and over, and 57 percent of all women between 18 and 64, were working for salary or wages last year.
>
> "Most women work in jobs that are traditional for women to hold, generally related to homemaking and child care or other supportive roles. The five occupations with the greatest number of women workers are: secretary, sales clerk, bookkeeper, elementary school teacher and waitress. About 80 percent of all women workers are clustered in just 20 of 441 job titles included in the Census Occupational Classification System.
>
> "Sex role stereotyping of jobs contributes significantly to the earning gap between men and women, because jobs in which women predominate pay lower wages than those in which men predominate. The gap between men's and women's earnings has increased in the last 20 years. In 1957, women earned 64 percent of what men earned; by 1971 they earned only 59 percent of men's earnings. Comparing earnings in dollar amounts, white women earned $8,285 and minority women earned $7,825 in 1976, compared with $14,071 earned by white men and $10,496 earned by minority men (median wage of salary incomes for full-time, year-round workers)."

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The U.S. Government has sought to address these problems through corrective legislation and executive action. The Equal Pay Act of 1963, for example, prohibits pay discrimination on the basis of sex. Men and women performing work in the same establishment under similar conditions must receive the same pay if their jobs require equal skill, effort and responsibility. The Labor Department's Wage and Hour Division, which enforces the Act, has officially interpreted its provisions to apply to "wages," i.e. all remuneration for employment. The Act, therefore, prohibits discrimination in all employment-related payments, including overtime, uniforms, travel and other fringe benefits. It outlaws sex-based distinctions in retirement benefits or in required employee contributions toward equal retirement benefits. The Supreme Court has upheld the position that jobs of men and women need be only "substantially equal" -- not identical -- for purposes of comparison under the law.

In a related effort, the Equal Employment Opportunity Act of 1972 amended the Civil Rights Act to prohibit discrimination based on sex in hiring or firing; wages; fringe benefits; eligibility for training programs or promotion; or any other terms, conditions, or privileges of employment. The Equal Employment Opportunity Commission (EEOC) which enforces the Act with respect to non-federal employees, has issued "Guidelines on Discrimination Because of Sex." These guidelines bar, among other discriminatory acts, hiring based on stereotyped characterization of the sexes, classification or labeling of "men's jobs" and "women's jobs," and advertising under male or female headings.

Finally, Executive Order 11246 requires federal contractors to pledge not to discriminate against any employee or applicant for employment because of sex, race, color, religion or national origin. The contractor must further promise to take affirmative action to ensure non-discriminatory treatment. When a firm is found to be in violation of these provisions, the Secretary of Labor may issue an Order of Debarment, thereby denying the company any further federal contracts.

In a recent case of this type, Secretary of Labor Ray Marshall, on June 28, 1979, issued an order which would make the Uniroyal Company ineligible for government business. If upheld in the courts (Uniroyal has appealed), this action could deprive the company of more than 36 million dollars in federal contract business.

Responding to charges that inadequate enforcement procedures have in the past reduced the effectiveness of many of these corrective measures, the U.S. Government has recently acted to simplify and strengthen the mechanisms through which discrimination can be redressed. Sarah Weddington, the chief presidential advisor for women's issues, has reported that the

Carter Administration has placed special emphasis on achieving an enforcement structure that will provide faster and more efficient service to complainants. Testifying before the Commission, she noted that the President has requested increased funding of 37 million dollars for overall civil rights enforcement in his budget for Fiscal Year 1980.

The Equal Employment Opportunity Commission (EEOC) -- the federal agency with primary responsibility for enforcement -- has also been given increased funding and staff allotments. Since 1975, EEOC reorganization has removed several layers of bureaucracy which separated complainants at local levels from the lawyers and professionals who press their cases. Finally, efforts are underway to concentrate enforcement responsibilities heretofore spread among several government agencies in the EEOC. In a related effort, in July of 1978, the EEOC was given the task of coordinating all of the activities of federal agencies as they pertain to equal employment opportunity.

In addition to the EEOC, the Department of Labor's Office of Federal Contract Compliance has been reorganized and granted increased authority, and HEW's Office of Civil Rights used increased funding in 1978 and 1979 to fill 898 new positions to reduce its backlog of cases.

The fact that these measures have not yet provided women full equality in the labor force illustrates the relative complexity of the employment issue: unequal treatment is a problem that cannot be corrected by legislative edict alone. A number of subjective factors combine to perpetuate the existing situation. Not only do employers retain outmoded notions of women's unsuitability for certain types of physical labor and management positions, but women themselves have often been socially conditioned not to pursue careers traditionally reserved for men. In addition, women are more likely to leave the labor force for a number of years in order to have children and raise families. Many have therefore come to think of themselves as unsuited for long-term careers outside the home and have failed to prepare themselves for such eventualities.

Thus the need not only for corrective legislation, but also for government-sponsored affirmative action programs becomes apparent. Such programs are needed particularly to close the wage gap and to eliminate occupational segregation. These problems have been the target of a number of U.S. Government initiatives.

For example, the EEOC has charged hundreds of companies with bias against women, an action which has encouraged many to negotiate out-of-court settlements in the form of affirmative action programs. The U.S. Justice Department has frequently intervened on behalf of women who have charged sex discrimination. For example, the Justice Department recently asked that the Philadelphia Police Department be ordered to institute hiring policies which would result in a 40 percent female force. Similarly, the Department of Labor not long ago negotiated a two million dollar affirmative action plan with Chase Manhattan Bank.

The government's role is not limited to that of enforcer. The Women's Bureau of the Department of Labor has developed model affirmative action programs for use by employers who cannot afford to develop their own and has funded a number of projects to provide job skills and vocational counseling to displaced homemakers, rural, low-income and young women.

Rather than run the risk of government action, many firms have acted voluntarily to set up programs designed to improve women's advancement and training opportunities. The results have been generally positive. In a recent study of 165 U.S. firms' efforts to upgrade women's job opportunities, the Conference Board reported that : "The overwhelming majority of surveyed firms say their efforts to improve women's job opportunities have yielded benefits that go far beyond mere compliance with the law. The primary benefit, they say, is that they are beginning to utilize all their human resources more effectively."

A number of other government programs -- among them, ones targeted at female entrepeneurial activities, education and provision of day-care facilities -- have sought to promote the integration of women into the national labor force.

Most recently, President Carter acted to create the Interagency Committee on Women's Business Enterprise, a body that will promote, coordinate and monitor federal efforts on behalf of women-owned businesses. As part of this effort, the Small Business Administration will extend 50 million dollars in direct loans to women-owned businesses in 1980. In addition, the Office of Federal Procurement Policy has agreed to increase to at least 150 million dollars from 63 million dollars the amount of federal prime contracts awarded to women-owned concerns. These efforts will be directed toward female entrepeneurs who may be disadvantaged due to a lack of adequate capital, a lack of marketing opportunities or an absence of management and technical skills, all of which may have resulted from the existence of past discriminatory practices.

In the area of equal education opportunity, a number of steps have been taken to ensure that women have access to the type of education and training that will prepare them for a wider range of careers. Congress recently passed Title IX of the 1972 Education Amendments, a program administered by the Department of Health, Education and Welfare, and designed to eliminate traditionally sex-stereotyped access to educational programs. Unfortunately, better enforcement will be required before this program can realize its full potential.

Another new law affecting educational opportunities for women is the Women's Educational Equity Act. Under WEEA, HEW awards grants and contracts for developing model tools and strategies for providing young women with less stereotyped educations. Between 1976 and 1978, WEEA made possible 237 grants and contracts totalling 21,625,000 dollars. In addition, the Administration has requested a 1980 funding level of 10 million dollars, an amount that would be the largest appropriation ever made for the Act.

Women who combine family and career are often severely limited in their job options. Those who must care for children are often unable to work a nine-to-five schedule and, as a result, are forced to accept low-paying, dead-end employment. Day care facilities are often too expensive to provide a viable solution to the working mother's plight. These are problems which a number of government programs have sought to solve. Testifying before the Commission on Security and Cooperation in Europe, President Carter's women's advisor, Sarah Weddington, offered this description of such programs:

> "The Part-time Employment Act establishes uniform federal policy on part-time employment and also requires agencies to establish part-time career and employment programs. Part-time employment is especially helpful to women with young families. It is important to ensure not only that these women have the flexibility to allow them to carry out their family responsibilities, but also that they receive credit for their on-the-job accomplishments and are provided good career development opportunities.
>
> "Similarly, the Flexible Schedule for Federal Employees Act authorizes the Civil Service Commission to conduct a three-year experiment in the use of flexible and compressed-work schedules.
>
> "We have made some progress towards helping working parents provide day-care assistance through a variety of programs. The Title II Program offers child-care services to low and middle-income families. The Work Incentive Program provides support services for welfare mothers receiving Aid to Families with Dependent Children (AFDC) benefits who need child care in order to work. In addition, AFDC recipients

> can presently deduct child-care expenses from income for purposes of determining welfare benefits. Child-care services are offered by many states through their federally-assisted child welfare programs. Finally, many working parents may claim a tax credit for child-care expenses when filing their federal income tax forms."

The available evidence seems to indicate that many of the programs designed to improve women's employment situation are beginning to yield their first results. For example, in 1974, women numbered only 1,000 of 100,000 coal miners in the U.S.; today, there are 5,000, an increase of 500 percent in five years. There are now female pilots, air controllers, firefighters and construction workers, all occupations which until recently had been closed to women. Women in 'white-collar' jobs seem to have particularly benefited from the wave of new awareness sweeping industry and management. The management-consultant firm of Heidrick & Struggles, Inc. reports, for example, that the number of women corporate officers in the 1,300 largest U.S. firms rose 28 percent in just one year, 1977-1978. In addition, the number of women earning $25,000 a year or more has increased 76 percent since 1970.

Problems facing women in the work force are complex but government programs designed to equalize economic opportunities for women are in effect. While some problems remain to be addressed and, in some cases, better enforcement of existing legislative initiatives is in order, the U.S. Government commitment to meeting the equal rights standards of the Helsinki Final Act is clear. The trend is toward the resolution of outstanding problems and toward better compliance with the United States' CSCE commitments.

Social Rights

Social Security

The present U.S. Social Security System was developed with the traditional family in mind -- two children, non-working wife. As such, it is poorly designed to meet the needs of the more modern family -- one in which the wife can be found increasingly in the labor force. It is also unresponsive to the needs of women in an era where more and more marriages end in divorce.

Under the present system, a couple with a non-working wife and an income comparable to that of a two-earner couple receives Social Security benefits higher than those earned by the two-earner couple. Thus, the family where the wife does not work receives a larger return for its tax dollars than unmarried workers or couples where both are employed. On the other hand, women who are homemakers have no Social Security coverage in their own right and can find themselves ineligible for any benefits should their marriages end in divorce.

These examples point to the growing need for reform of the Social Security System as it now stands. A few improvements have recently been effected, including the reduction from 20 to 10 the number of years which divorced women must have been married to qualify for dependent's benefits. In another improvement, a provision which discouraged widows from remarrying by revoking their widow's benefits has been removed.

Nevertheless, new changes are needed to make the Social Security System responsive to the needs of the modern family and working woman. Congress, recognizing this fact, requested HEW in 1977 to develop a number of proposals designed to make the system more equitable. Two alternative approaches have been proposed. Under one, family earnings would be pooled and each partner would be credited with half the total in computing benefits. All divorced women would be covered. Two-earner and one-earner families with the same incomes would receive the same protection.

Under the second proposal, all current Social Security recipients would be entitled to a minimum personal benefit, which would then be supplemented in proportion to contributions made to the system during an individual's working life. Divorced spouses would be entitled to half of the supplemental benefits earned during marriage. Survivors would inherit such benefits from deceased spouses.

Health Care

An analysis of health care issues which specifically affect women naturally finds a focus in a discussion of health services and benefits regarding reproduction. Two issues which have been the cause of widespread concern and controversy in recent years are pregnancy disability benefits and access to abortions.

In a 1976 case, General Electric v. Gilbert, the U.S. Supreme Court ruled that employers may legally exclude pregnancy benefits from company disability plans. This ruling, and a similar one in Geduldig v. Aiello, et al, were based on the Court's finding that companies with disability plans excluding pregnancy benefits did not disqualify prospective recipients on the basis of sex, but merely removed one condition, pregnancy, from the roster of compensable disabilities.

This decision brought an outcry from women's and civil rights groups who found a certain logical inconsistency in the Court's non-discrimination argument. It was obvious that only one sex could become pregnant. To argue that exclusion of pregnancy coverage from disability programs affected both sexes equally -- as the Court's decision seemed to imply -- was questionable.

In an action which served to reverse the Court's ruling, Congress, in 1978, passed the Pregnancy Disability Benefits Act. The Act amended Title VII of the Civil Rights Act of 1964 to declare discrimination based on pregnancy, childbirth or related medical conditions illegal in all aspects of employment, including hiring, promotion, seniority rights and fringe benefit programs such as disability plans. Thus, Congress' action brought U.S. performance in providing equal access to health coverage into line with Final Act commitments to ensure equal social rights.

Perhaps the women's issue which has aroused the greatest controversy in recent years is abortion. The right to abortions was upheld by the U.S. Supreme Court on January 22, 1973, but has since come under considerable attack on religious and moral grounds. Responding to mounting pressure from "Right to Life" groups, Congress acted recently to limit the ease with which abortions can be obtained by imposing bans on the use of Medicaid funds for such puposes.

Critics of these Congressional actions have charged that they deny poor, rural and young women a right easily enjoyed by others -- the right of privacy in matters of reproduction. Conversely, their opponents have raised the issue of the rights of the unborn, asserting that everyone, including unborn babies, has a right to life.

Whether or not women should be granted the right to terminate unwanted pregnancies is admittedly a serious moral and ethical question. The Final Act, however, states only that the human rights of all without distinction as to sex should be respected. It does not address the complex issues surrounding the problem of abortion.

Conclusion

Full equality for women -- particularly for women in the labor force -- remains a goal towards which the United States Government, American society and, in fact, most modern societies in the world must continue to strive. The attainment of full equality for women requires that attitudes and patterns of behavior developed over the course of many centuries be reversed.

Nevertheless, the U.S. Government has actively pursued policies which have not only improved the status of women's rights, but which have facilitated the implementation in the U.S. of the provisions of the Final Act. U.S. legislation has specifically prohibited sex discrimination and stereotyping in employment. The Carter Administration has improved the enforcement capabilities of the Equal Employment Opportunity Commission abd HEW's Office of Civil Rights. It has addressed the problems inherent in the Social Security System and adopted programs to facilitate loans to women business owners. Finally, women in the United States have been accorded civil rights equal to those enjoyed by men and are beginning to make inroads into the political establishment.

On the other hand, further improvements are still needed in many government programs. The Commission believes, for example, that additional efforts must be made to ensure that women of all ages have access to the type of education and training that will prepare them adequately for careers outside the home. Of primary importance for young women is improved enforcement of Title IX of the 1972 Education Amendments. Improved follow-up mechanisms, including more frequent on-site inspections and more specific reporting requirements, would be advisable.

While recognizing that several federal programs have sought to make day-care facilities more widely available, the Commission believes that a much greater commitment of funds and resources will be necessary before U.S. performance in this sphere will match that of some other CSCE states. It should, therefore, become a high priority of Congress and the Administration to increase the level of federal assistance to state and local programs in providing day-care facilities to working parents.

Clearly, the U.S. record leaves room for improvement. However, U.S. policies and women's programs do represent a good faith effort to comply with the Final Act's equal rights provisions.

AMERICAN INDIANS[21]

American Indians have much in common with other U.S. minority groups. However, it would be extremely misleading to view the rights of American Indians solely in terms of their status as a racially distinct minority group, while neglecting their tribal rights. The Indian tribes are sovereign, domestic dependent nations that have entered into a trust relationship with the U.S. Government. Their unique status as distinct political entities within the U.S. federal system is acknowledged by the U.S. Government in treaties, statutes, court decisions and executive orders, and recognized in the U.S. Constitution. This nationhood status and trust relationship has led American Indian tribes and organizations, and the U.S. Government to conclude that Indian rights issues fall under both Principle VII of the Helsinki Final Act, where the rights of national minorities are addressed, and under Principle VIII, which addresses equal rights and the self-determination of peoples.

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[21] Unless otherwise indicated, background information in this section has been provided by the Office of the Assistant Secretary for Indian Affairs of the U.S. Department of the Interior.

The U.S. commitment to Indian self-determination is articulated in the Indian Self-Determination and Education Assistance Act that became public law in early 1975. The policy of the U.S. Government, articulated in this law, is designed to put Indians, in the exercise of self-government, into a decision-making position with respect to their own lives. The United States has recognized that it has not always lived up to its obligations in its protection of the rights of Native Americans to a continuing political existence, to land and natural resources and to cultural distinctness. The U.S. Government, however, is improving its performance and attempting to close the gap between policy and practice.

At the CSCE hearings in April of 1979 on U.S. domestic compliance with the Helsinki accords, criticism was directed toward U.S. treatment of Indians -- both as citizens of Indian nations and tribes, and as individual minority group members. Other criticisms have been brought to the Commission's attention by the U.S. Commission on Civil Rights, which has solicited opinions from such sources as tribal organizations and Indian interest law firms. In addition, the Commission has noted criticism from other signatory states. The allegations and criticisms concerning Indian rights cover a broad spectrum: administrative and institutional conflict of interest; coordination and funding problems at the federal level; insufficient opportunity for effective Indian involvement in the federal decision-making process; inadequate protection of tribal rights by the Federal Government; discrimination against Indians as a minority; the poor socio-economic profile of Indians; purported sterilization of Indian women against their wishes; Indian prisoners of conscience and accusations of police misconduct; forcible assimilation of Indians into white society and removal of Indian children from their home or tribal environment; and insensitivity to Indian cultural needs. The remainder of this section of the report addresses these criticisms and will attempt to assess Indian rights within the context of the Helsinki Final Act.

The Federal Administration of Indian Policy

The Federal Government's trust responsibilities and special relationship extends to Indian nations, tribes and individuals. The major federal departments with programs relating to Indians are Interior; Health, Eduction and Welfare; Agriculture; Housing and Urban Development; and Commerce. The Departments of Labor, Transportation, Treasury, State and Defense also have programs important to Indians. The Department of Justice handles most of the legal problems affecting Indian rights. Other agencies such as the U.S. Commission on Civil Rights and the Equal Employment Opportunity Commission have functions of consequence to Indians.

The Interior Department is the agency which has the greatest impact on Indian affairs. Interior is explicitly charged with the task of protecting Indian lands and resources and has specific statutory responsibility for ensuring the continued well-being of Indian tribes and people. The Bureau of Indian Affairs (BIA) is the main agency within the Interior Department that deals with Indian affairs.

The dual role of the BIA as an advocate of Indian interests and principle agent of the trustee (the United States) has given rise to a large measure of Indian mistrust. The BIA has been accused of paternalism and mismanagement in the past. The present BIA administration has acknowledged past problems and has taken steps to resolve them, recognizing that it has often implemented negative policies too vigorously, while positive policies have been carried out less vigorously. The BIA is now improving its management structure and system, and it is moving to facilitate greater coordination and cooperation with the other agencies on program and policy matters.

Civil, Political and Tribal Rights

While Indians in off-reservation areas may seek protection as members of a national minority under the civil rights laws, Indians on and near reservations are entitled to additional protection through specialized statutes delineating tribal rights.

Indians constitute less than one-half of one percent of the U.S. population and are widely disbursed throughout the country. Hence, they are not a particularly effective political force. Therefore, historically Indians have depended greatly on their unique legal status to protect them from the erosion of their rights by non-Indian private interests and state and local government.

It is paradoxical that classic civil rights arguments on equal protection are often invoked by non-Indians in this country as a means of limiting the implementation of Indian rights. Some non-Indians maintain that the the accordance of tribal rights by the Federal Government is tantamount to racial discrimination against non-Indians. Actually, the U.S. Government entered into a trust relationship with the separate tribes in acknowledgement not of their racial distinctness, but of their political status as sovereign nations.

Role of the Justice Department

The Department of Justice has the responsibility to litigate Indian interests in the courts. Two sections of the Justice Department fulfill these functions: the Office of Indian Rights of the Civil Rights Division and the Indian Resources Section of the Lands Division.

The Office of Indian Rights was established in 1974 to enforce all federal civil rights provisions as they apply to Native Americans as well as the provisions of the Indian Civil Rights Act of 1968. This office was created as a result of a study of the Civil Rights Division which found that racial discrimination was a significant contributing factor to the social and economic problems faced by American Indians. Since its establishment, the Office of Indian Rights has engaged in litigation involving voting rights cases, discrimination cases concerning access to state and local services, and improvement of conditions in detention facilities with predominantly Indian inmates.

The Indian Resources Section of the Lands Division is responsible for Indian-related, non-civil rights litigation such as lands, natural resources, tribal government and treaty rights issues.

Tribal Interest Law Firms

To help defend their rights, Indians themselves have established tribal interest law firms, such as the Native American Rights Fund (NARF) founded in 1970. These organizations supplement the work of the Justice Department, which Indians assert has inadequately enforced and protected their rights. Furthermore, Indians assert that conflicts of interest arise within various departments with divergent agencies' perspectives on Indian interests. For example, disputes over land and resources in Indian country sometimes bring into play the BIA, the Bureau of Land Management, and the Fish and Wildlife Service of the Interior Department. Moreover, in cases where there are no direct conflicts of interest, Indians assert that political factors and the personal biases of Justice Department functionaries against taking the Indian side in disputes hinder the enforcement of Indian rights.

Law Enforcement on Indian Reservations

Four law enforcement agencies have jurisdiction on Indian reservations: the FBI investigates, and the U.S. Attorney prosecutes, violations of federal law that are designated to be Major Crimes (murder, kidnapping, rage and 11 other serious crimes); BIA police and tribal police are responsible for policing, investigating minor crimes, and maintaining law and order on a day-to-day basis; and, state police have authority in situations when both the offender and the victim are non-Indians.

The degree of confidence Indians have in the criminal justice system varies from reservation to reservation and from state to state. Indians complain that some U.S. Attorneys have not established effective prosecutorial guidelines for Major Crimes offenses, causing delays in processing cases. BIA police, tribal police and federal investigators often duplicate investigative work. On some reservations, law enforcement and court facilities are inadequate and tribal police and tribal judges are insufficiently trained. Some of the non-Indian law enforcement and prosecutorial personnel that operate on reservations are not sensitive to Indian customs and needs.

The U.S. Government is aware that these factors tend to shake Indian confidence in the criminal justice system, and is working to increase the effectiveness of police and prosecutors in Indian country. Much work remains to be done, however.

Allegations of Police Misconduct

Over the years, mutual resentments have built up between Indians and various governmental authorities. As Indian people have become more assertive, and sometimes militant, in demanding their rights, these resentments have increased. Racist statements and actions of some authorities have cause many Indian people to allege that they cannot receive fair trials and that certain Indian activists are now in prison not because of the crimes they have committed but because of their political activism.

Domestic groups have charged -- and some CSCE signatories, the USSR in particular, have echoed these charges -- that law enforcement officials have engaged in systematic harassment, surveillance and other extra-legal activity against Indian activists. These critics further asset that leaders of the American Indian Movement (AIM), such as Russell Means, Dennis Banks and Leonard Peltier, are examples of activists who have ended up as political prisoners. (Further information on Means and certain other activists is contained in the section on Alleged Political Prisoners). Critics charge that police and prosecutors increased their alleged harassment of AIM leaders and other activist Indians following the widely-publicized 1973 armed takeover of Wounded Knee, South Dakota, by Indian militants. The occupation of Wounded Knee produced a complicated situation involving several law enforcement agencies, including tribal police from Pine Ridge Reservation. When such controversial confrontations occur, the potential for conflict and misunderstanding is considerably heightened.

Judicial Decisions and Trends, 1975-1979

Trends in the courts must be reviewed within the context of the three judicial systems that apply. The federal courts, Indian courts and state courts are distinct systems, deriving their powers from separate authority and retaining their own peculiar jurisdictions to try to punish crimes by or against Indians and to determine the nature and extent of Indian treaty and other federally reserved rights.

The trend in the decisions of these systems is an effort to clarify which court system has jurisdiction over a cause of action under the circumstances. Particularly in this decade, these court systems, with the federal courts in the lead, are defining where, when and over whom Indian tribes or states have jurisdiction, and which governmental system has jurisdiction to act with respect to Indian boundaries, Indian resources, tribal members and non-members, and with respect to who can control the exercise of tribal rights off-reservation.

The present activity of the federal courts and their increasing deference to tribal courts and tribal authorities tend to support the view that the Indian policy of the United States is designed to give wide latitude to Indian tribes in the exercise of self-government. This appears to be particularly true when the principal tribal activities are in the areas of controlling their citizenry on the reservation and asserting governmental taxing and regulatory control over Indians and Indian property. There seems to be a tendency by the ocurts to avoid strong statements of Indian self-government only where the property or the reservation is largely out of Indian control. The courts also receive policy guidance from Congress and from the executive branch in these areas, as they interpret the law and review the actions of the Congress and the Executive Branch to assure compliance with the U.S. Constitution.

A telling measure of the real successes Indians have scored in the courts in defense of their rights was seen, oddly enough, in the proliferation of "backlash" bills that were put before the 95th Congress. By means of these bills, anti-Indian political interests hoped to weaken the solid legal basis upon which Indian rights cases were being successfully won in the courts. These lobbying groups pushed Congress to terminate the trust responsibility altogether, abolish the reservations, institute state regulation of hunting and fishing on Indian lands and deny due process rights of tribes pressing claims in court. This attempt so alarmed Indian people that many undertook an arduous journey, "The Longest Walk," from California to Washington, D.C. in the summer of 1978 to voice their concern to the Congress.

For a variety of reasons, none of the "backlash" bills was ever heard of or referred out of committee, expiring with the adjournment of the 95th Congress. However, bills of a similar nature are pending before the present Congress and are still the focus of much concern for Indian people. Should these bills be enacted into law, the cause of Indian rights in the U.S. would suffer a serious setback.

Power of the Congress

Federal courts have consistently ruled that Congress has the plenary authority to fix the terms of the U.S. Government's trust relationship with the Indians. Indians assert, given the historical precedent, that the breadth of this Congressional plenary power to legislate in their regard carries with it the potential danger that such power will be misused to deprive Indians of their rights, since Indians are not as strong in numbers as the non-Indian voting public in the states.

It is not the existence of the power that should be the focus of the discussion but how and when it is exercised. More than one hundred measures expressly affecting American Indian and other Native peoples have been enacted since 1975. The 95th Congress alone created 79 new laws pertaining to Native Americans. While some of these laws affect only one or a few tribes or individual Indians, many Congressional acts during the past four years represent policy statements of major significance affecting Native governments and people in the U.S. Two of these acts -- one establishing the American Indian Policy Review Commission and the other setting forth an Indian self-determination operating policy -- were passed in the first days of 1975.[22] Subsequently, the Congress passed important legislation addressing basic human rights and needs of Indian people in the areas of health, education, child welfare, religious freedom, economic development, land and natural resources and tribal recognition and restoration. Legislation enacted during this period follows a consistent policy line repudiating terminationist and assimilationist policies of the 1950's, removing barriers to Indian self-determination and local level control and enhancing the basic quality of life of Native American peoples.

Balanced against this progress, the House Interior Committee, in January of 1979, voted to abolish its Indian Affairs Subcommittee, which can be credited with drafting and reporting legislation affecting Indian interests in recent Congresses. As a result, Indian legislation will now be one of the many contending areas of legislative responsibility of the full Interior Committee, increasing the likelihood that fewer Members of Congress will be well versed in Indian matters. The Select Committee on Indian Affairs of the Senate, established in the 95th Congress primarily to consider over 200 progressive legislative recommendations made by the American Indian Policy Review Commission, will continue to function in the 96th Congress. These recommendations, however, remain to be considered within this Committee, and the Committee's existence in the 97th Congress is uncertain.

Socio-Economic Profile

Federal Assistance Programs

Under Principle VII, the U.S. has pledged to promote and encourage the economic and social rights of its people. Often, the U.S. has been called to task by Indians, Indian advocates, and other CSCE countries for failing to act to improve the socio-economic situation of Indians.

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22. The Congress created the American Indian Policy Review Commission in 1975 and mandated it to conduct a "comprehensive review of the historical and legal developments underlying the Indians' unique relationship with the Federal Government in order to determine the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indians." The Commission reported its findings and recommendations to Congress on May 17, 1977 and expired on June 30, 1977.

Native Americans, on the average, have the lowest per capita income, the highest unemployment rate, the lowest level of educational attainment, the shortest lives, the worst health and housing conditions and the highest suicide rate in the United States. The poverty among Indian families is nearly three times greater than the rate for non-Indian families, and Native people collectively rank at the bottom of virtually every social and economic statistical indicator.

When the federal government negotiated treaties with various tribes, it promised them that the Indian people would be provided a permanent and economically viable and self-sustaining homeland, that the reservations would be made to bloom, that the Federal Government would assist the tribes in transforming their way of life.

The U.S. has acknowledged that it has not yet lived up to this promise. However, over the past five years important steps have been taken to improve the situation of American Indians.

Federal Assistance Programs

An overall strategy is just developing to deal with the problem of Indian poverty, the basis of many other problems.

Native people are citizens of both their tribes and the United States. As U.S. citizens they are entitled to federal assistance available to the general public, and, like other U.S. citizens, Indians may turn to the courts for redress if they believe they have been denied access to such federal services.

At the level of local service delivery systems, the Federal Government has extended recognition to tribal governments, and the Congress has repeatedly included tribes per se in such programs of general application as General Revenue Sharing, the Comprehensive Employment and Training Act and the Joint Funding Simplification Act. Yet, tribal eligibility for participation in federal domestic assistance programs to state and local governments is not uniform. In some instances, program eligibility is defined, in an apparent oversight, as intended for "state and state subdivisions," a formulation which seems to exclude tribes. In other instances, where eligibility provisions do not specify "state and state subdivisions" only, the provisions have been incorrectly interpreted by some administrators to exclude tribal governments.

Congress has created a number of programs which are intended specifically for Indians, both as tribes and individuals. These programs generally are in fulfillment of the Federal Government's trust responsibility and many of them are derived from specific treaty obligations of the U.S.

Tribal Recognition and Restoration Legislation

The past policy of terminating Federal-tribal status was intended by the Congress to assist Indian people into the mainstream by severing all federal ties and ending federal services in one cash payment. The consequences of terminations have proven tragic for the Indian people and against the national interest. Congress repudiated this practice when it examined the case of the Menominee Tribe of Wisconsin and restored their political relationship with the United States in 1973. Since 1975, the Congress has recognized or restored to recognized status six tribes, making members eligible to benefit from special federal programs that are designed to assist Indian tribes.

Federal Acknowledgement Project

The Federal Acknowledgement Project was undertaken because there may be Indian tribal groups which should but do not receive the benefit of the special federal-Indian relationship. In September of 1978, the Secretary of the Interior published final rules setting criteria for determining whether such groups qualify for this special relationship with the U.S. Government. These criteria were developed after extensive consultation with Indian groups and became effective October 2, 1978.

At the present time, there are nearly 500 governmental entities, including Indian tribes, pueblos, bands, rancherias, communities and Alaska Native villages and corporations which are recognized as eligible for BIA trust services. Thus far, more than 50 other Indian groups have petitioned the Secretary for acknowledgement of their status as Indian tribes.

The Role of the Indian Health Service[23]

The Indian Health Service (IHS) of the Department of Health, Education, and Welfare is the primary federal health resource for approximately 760,000 Indians and Alaska Native people living on or near Federal Indian reservations or in traditional Indian country such as Oklahoma and Alaska. It provides a comprehensive program of preventive, curative, ehabilitative and environmental services. The Service also provides limited assistance to approximately 274,000 of the 507,000 urban Indians to enable them to gain access to those community health resources available to them in areas where they reside.

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[23] The information found in this portion of the American Indian section has been provided by the Indian Health Service of the Department of Health, Education and Welfare.

Indian health advisory boards have played an important role in developing IHS policy and allocating resources. Tribes also have been actively involved in program implementation. As a result of new laws enacted in the last five years, the number of tribes managing health services has increased. The scope of tribally managed activities is broad, ranging from the provision of outreach services in the community to the planning, construction, staffing and operation of health care facilities.

The Indian Health Care Improvement Act, which authorizes higher resource levels for a seven-year period, beginning in Fiscal Year 1978, seeks to increase the number of Indian health professionals for Indian communities. It also authorizes IHS to set up programs with Indian urban organizations to improve Indians' access to health services.

Indian Health Developments

The health of Indian people has improved significantly. This gain is due, in part, to the overall expansion of health service and the construction of better health care and sanitation facilities. Since 1955, hospital admissions have more than doubled; outpatient visits increased seven-fold and dental services six times. Partly as a result of the increased use of hospitals, the infant mortality rate has been reduced by 74 percent and the maternal death rate by 91 percent. During the same period, the death rate for influenza and pneumonia dropped 65 percent; certain diseases of early infancy, 72 percent. Tuberculosis, once the great scourge of the Indians, in 1955 struck eight out of every 1,000; now it strikes fewer than one. An Indian child born today has a life expectancy of 65.1 years, an increase of 5.1 years over a child born in 1950. Progress and improvements do not mean that the U.S. has succeeded in raising the health status of Indians to the high level that it seeks. Further efforts will be required.

Sterilization

An allegation persistently raised by some American Indians and echoed by several CSCE states is that the U.S. Government, under IHS auspices, is coercing large numbers of Indian women to be sterilized. This alleged governmental sterilization policy is perceived as a manifestation of a far more monstrous governmental policy -- that of genocide. Those who make this very serious allegation often cite statistics from a 1976 U.S. Government Accounting Office (GAO) report regarding the IHS.

IHS attributes these allegations to misinterpretations of the GAO report, and says there are no suggestions in the report that the IHS has undertaken any activities to sterilize Indians without their consent. IHS states that is has yet to receive a single documented case of coerced sterilization or failure to obtain informed consent for performance of a procedure that could result in sterilization. However, IHS acknowledges that the GAO study cites procedural deficiencies in obtaining informed consent. After these deficiencies were detected by GAO, IHS initiated several actions to correct them. Furthermore, HEW drew up new sterilization regulations and improved sterilization reporting and monitoring requirements, which are now being carried out by IHS and other health services. IHS categorically denies that its aim is to control population size in any way, and insists that its goal is to enhance and expand the life of the Indian and Alaska Native. Statistics show that the Indian population served by IHS has twice the birth rate and over three times the population growth rate of the U.S. population as a whole.

Economic Development Efforts

Many reservation lands are rich in natural resources, which can be used by the tribes to lift themselves out of poverty. Some tribes are actively pursuing economic self-reliance through the development of their oil, gas, coal, uranium and other energy resources. Other tribes have not made final decisions regarding development of their resources and still others have decided against development at this time. If there is to be development, it is a function of the Federal Government to assure that the best and most economically and environmentally sound arrangements are made. In addition, the government is to provide technical and financial assistance to ensure that the tribal decisions will be based on an expert and experienced evaluation of the technical and factual data.

Help has been provided from the White House or federal agencies when tribes have requested it. In 1977, five federal agencies gave the member-tribes of the Council of Energy Resource Tribes more than two million dollars for this endeavor. Two agencies, the Community Services Administration and the Administration for Native Americans, have ear-marked their funding for a human needs assessment of the impact of energy development on the affected Indian people. And, the Department of the Interior has an ongoing responsibility to assert the Indian interest in resource protection and development of related policies.

Legislative Actions

During 1977 and 1978, Congress passed about 50 bills which expressly benefit tribes and individual Indians. The most hotly debated Indian issues in the Congress during 1977 and 1978 were Indian water rights in the Southwest, Indian fishing rights in the Northwest and Indian land rights in the East. Despite controversy, the 95th Congress passed mutual-consent agreements achieving settlement of a water rights case in Arizona and the first of the Eastern Indian land claims cases in Rhode Island. By an Act of July of 1978, the Ak-Chin Indian Community's longstanding water claims were settled, enabling the tribe to continue their profitable tribal agriculture programs, thus avoiding years of economic hardship in litigation.

Similarly, the Rhode Island Indian Claims Settlement Act of September of 1978, sponsored and vigorously supported by CSCE Commission Co-chairman Claiborne Pell, ratified a negotiated settlement of to the case brought by the Narragansett Indians under the Indian Non-Intercourse Act of 1790. The Act cleared title to acreage in the state authorizing federal funds to reimburse the tribe for lands lost and to purchase lands. On August 20, 1979, the Administrtion and the Cayuga Nation of New York arrived at a land claim settlement that will involve the establishment of a trust development fund for the tribe. The settlement will soon be sent to Congress for ratification.

Federal Involvement in Land and Resources

Tribal Land Acquisition Acts

Recognizing that the futures of Indian tribal governments and tribal economies are largely dependent on a sufficient land base to support their populations, it is a continuing United States policy to assist tribes with land acquisitions and land consolidation programs. During the years from 1975 to 1978, Congressional legislation has authorized acquisition by tribal groups of about 400,000 additional acres of land, assisting some 30 tribes to expand their land base.

Eastern Land Claims

The issue of land claims brought by Indians against states, municipalities and private landowners in federal courts in the eastern U.S. has received national attention. The claims are against states, cities and individuals, rather than against the Federal Government; they are based on the allegation that the Federal Government did not approve transfer of these lands by Indians to non-Indians, which is required by a statute first enacted in 1790 as the Indian Trade and Intercourse Act. Following the ratification of a mutual consent agreement by the 95th Congress, the first Indian land claims court settlement was reached between the state of Rhode Island and the Narragansett tribe. In May of 1979, the state returned 1,800 acres to the tribe. A similar approach will facilitate the settlement of the claims of some 3,000 Indians comprising the Passamaquoddy and Penobscot tribes in Maine to a land in that state.

Now that the Narragansett/Rhode Island settlement is concluded (and a major step toward resolution of the Maine case has been taken) other Indian land claims may be examined in an atmosphere conducive to fruitful negotiation.

Water Policy

Conflicts over water rights in the Southwest constitute some of the most intense disputes between the states and Indians. Many are the subject of ongoing litigation in both state and federal court. For years, the states pursued a policy of homesteading on arid western lands, while the Federal Government was designing and constructing water projects with little regard to the needs of Indian communities or to the potential negative impact such projects could have on the ecological condition of reservation lands. The U.S. Supreme Court acknowledged Indian water rights early in this century in a decision known as the Winters Doctrine.

In his water policy message on June 17, 1978, President Carter announced a new water policy. Implementation of the policy is to be conducted in consultation with the Indian tribes. The Presidential directive calls for negotiations whenever possible to resolve conflicting water claims. Should negotiations fail, litigation in federal, as opposed to state, courts is favored.

Fishing Disputes

Over the past five years, Indian fishing has been the subject of serious public and political controversy. The Federal Government -- despite tremendous opposition from non-Indian communities -- has used its authority to assert the full range of fishing rights reserved to the tribes when the reservations were created. The government also recognizes the need to protect the resource. The government recognizes the right of these tribes to fish for commercial, as well as for ceremonial and subsistence purposes.

The United States Government has actively sought to protect Indian fisheries from environmental degradation, from the potential negative consequences of non-Indian diversion of waterways for agricultural and industrial purposes, from excessive non-Indian commercial and sport fishing, and from other dangers to the resource. For example, in the State of California, the government is addressing these problems as it attempts to put the Hoopa and Yurok tribes' fishery resource in good order for their future use and self-management. As yet, the United States has avoided going to court to determine the extent of the tribal fishery right. The California Department of Natural Resources is taking a similarly positive approach, working with the federal agencies and the Indians to improve the fish stock and to lay a basis for coordinated tribal/state/ federal management of the resource in the future.

However, when litigtion cannot be avoided, the Federal Government often assumes trustee responsibility for the defense of Indian treaty rights in the courts. The Federal Government's commitment to protect Indian rights -- even if this would mean confrontation with a state -- is exemplified by an emotionally charged fishing rights dispute in Washington State.

In 1974, a landmark court decision (*U.S. v. Washington*) was announced, affirming the treaty fishing rights of 19 Northwest Indian tribes. The decision declared these tribes entitled to catch up to half the harvestable fish and to participate jointly with the State of Washington in the management of their fishery resources. State officials, institutions, courts and non-Indian fishers refused to accept and abide by the decision and court orders.

Finally, in the middle of the 1977 fishing season, the federal courts, at the recommendation of the Administration, were forced to take over management of the fishery. Rising to the challenge in the face of massive illegal fishing by non-Indians, strong public emotion and legal obstacles in the State, the federal agencies pooled their resources to aid the federal court in managing the fishery. On July 2, 1979, the Supreme Court ruled that Indian tribes in the Northwest are entitled by treaty to half the harvestable catch, warning State authorities to comply.

Culture and Education

Until a few years ago, many policy makers viewed education as a key to Indian assimilation and often regarded Indian culture and history as impediments to the full participation of Indians in American life. The excesses of this period resulted in great damage to Indian people, producing statistics of low educational achievement and a host of related problems, including the disruption of Indian families and cultural and tribal life styles.

The older policies were phased out in the early 1970's and were replaced with the more enlightened policy of today. Under the current policy, assimilation is a choice for the individual Indian to make. Indian history and culture are viewed as positive assets, rather than negative impediments to Indian adjustment to contemporary American life, and the control of Indian education is in the hands of the people most directly affected by the education being provided, the Indian tribes and Indian people.

The intent of this policy is not only to increase Indian participation and involvement in the educational process but also to improve the quality of Indian education through the development of programs designed to meet the unique educational needs of Indian tribes and communities.

The Indian Child Welfare Act

In response to valid criticism that it has not adequately been protecting the integrity of the Indian family and community over the years, Congress passed the Indian Child Welfare Act of 1978. The U.S. has recognized that Indian children lost ties with their extended families and cultural heritage through adoption into non-Indian families or placement in non-Indian foster homes and institutions.

The Indian Child Welfare Act eliminates unwarranted Indian parent-child separation; it ends discrimintion that has prevented Indian parents from qualifying as foster or adoptive families; and it provides Indian communities with comprehensive child-welfare and family service programs.

The American Indian Religious Freedom Act

The religious practices of American Indians are an integral part of their culture, tradition and heritage and form the basis of Indian identity and value systems. To guarantee Indian rights in this regard, the American Indian Religious Freedom Act was signed into law in August of 1978. The Act proclaims that it is the policy of the U.S. to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise their traditional religions, including, but not limited to, access to sites, use and possession of sacred objects and the freedom to worship through ceremonies and traditional rites.

Conclusion

A review of U.S. policies and practices with respect to Native Americans shows that they are neither as deplorable as sometimes alleged, nor as successful as one might hope. In some areas, federal policies and programs have failed to achieve permanent solutions to the serious problems facing tribes and their citizenry. In other areas, appropriate remedies have achieved notable progress in meeting the unique needs of Native American governments and individuals. The efforts to find solutions to Indian problems is made more difficult by the highly complex governmental, economic, social and political context surrounding Indian life. The important consideration, especially in terms of U.S. obligations under the Helsinki Final Act, is that serious efforts are being made.

The funding for Indian programs has risen dramatically in the past 20 years, and the educational, social and economic conditions are improving. In line with the government policy of putting Indian people into determinate roles, Indians are managing their own resources, controlling their own assets and administering their own programs to a greater degree than in the past.

Resolution of problems in the future will require continued and intensified cooperation between concerned government agencies and the Native peoples themselves. More opportunities should be provided for Indians to share in the formulation of federal policy and the development of federal programs that will significantly affect their interests.

The growing cooperation between the Federal Government and Indians in defense of their civil rights and tribal rights to land, resources and self-government is sometimes perceived as a threat by some segments of the American population, who argue that the unique legal status of American Indians constitutes special, preferential treatment of them by the U.S. Government. However, in general, public reaction to the new policies of greater equity toward Indians has been favorable. The BIA has established programs to assist the tribes and Native peoples to better present their diverse histories, cultures and goals to other Americans through the media, school curricula, and other channels of communication. In addition, various citizens groups comprised of Indians and non-Indians alike, such as the American Friends Service Committee, are helping to educate the public about the respective rights of Indians and their non-Indian neighbors.

To further fulfill U.S. obligations under the Helsinki accords regarding the rights of American Indians, the Commission believes the U.S. Government should energetically pursue the more equitable policy lines established in recent years and should continue to help increase public awareness of the unique nature of American Indian rights.

RELIGIOUS LIBERTY

The issue of religious liberty is addressed in Principle VII of the Helsinki Final Act in two references:

> "The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or

> belief, for all without distinction as to race, sex, language or religion.
>
> "Within this framework the participating states will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience."
> (Principle VII)

In signing the Final Act, the 35 signatories committed themselves not only to a broad pledge to respect freedom of religion as a fundamental human right, but also to observe specific guarantees for the right of the individual to practice religion according to the dictates of his or her own conscience.

In the United States, such guarantees for individual freedom of conscience have been inscribed in the Constitution, elaborated in numerous court decisions and confirmed by tradition and practice. Testimony to this fact is the diversity and vitality of religion throughout the United States. In addition to formal religious organizations, there are numerous religious groups. According to the recently published Encyclopedia of American Religions, there are 1,187 primary religious denominations in the United States.[24] An equally important aspect of religious life in the United States is that an individual is free to choose which religious group, if any, he or she wants to join.

Under the First Amendment of the U.S. Bill of Rights, religious freedom is guaranteed: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." In a provision known as the Establishment Clause, no law may be passed which favors one church over another, or which establishes an official church to which all Americans must belong or support, or which requires religious belief or non-belief. And, in a provision known as the Free Exercise Clause, no law can interfere with the "free exercise" of one's religion, guaranteeing that each citizen is free to worship as he or she wishes. In recent times, the Supreme Court has interpreted the Establishment Clause through two concepts: "neutrality," which prohibits the government from advancing or inhibiting religious activities, and "voluntarism," which is mainly aimed at restricting governmental jurisdiction over private elementary and secondary schools.

The Establishment Clause has been held by the Supreme Court to prohibit:

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[24] A list of 161 major religious bodies in the U.S. appears in Appendix IV, Chart 1.

(1) Mandatory religious exercises such as Bible readings or even non-denominational prayers, in the public elementary and secondary schools;

(2) Promoting religious creeds through the structuring of curricula in state-supported schools; and

(3) Providing financial support through such measures as grants, loans and tax credits to non-public elementary and secondary schools affiliated with religious institutions, or for secular courses of study and the maintenance of facilities.

On the other hand, the clause has been held not to prohibit:

(1) Providing a service such as bus transportation to children in both religious and public schools;

(2) Loaning secular textbooks to children attending religious schools;

(3) Making direct general grants to religious-affiliated colleges and universities, depending on the character of the college and its ability to separate secular and religious functions; and

(4) Releasing public school children to attend a religious period of instruction at places away from schools.

Further, the Supreme Court has held that granting tax-exempt status to church property used solely for worship does not contravene the Establishment Clause.

In regard to the Free Exercise Clause, the Supreme Court has ruled that if the purpose or effect of a statute is to impede the observance of religions, or to discriminate among them, then the free exercise of religion is abridged.

One of the most important conditions for any religion is the right to seek converts. This right has long been upheld by the American legal system. One early ruling on this issue was handed down by the Supreme Court in 1940 (Cantwell v. Connecticut) in which it was decided that a Jehovah's Witness could not be prosecuted for breach of the peace by playing a promotional record to passersby.

Soon after this decision, the Supreme Court held that it was unconstitutional to tax religious evangelists who sold religious tracts and books on the streets or door-to-door.

In *Murdock v. Pennsylvania* (1943), the Court held that hand distribution of religious tracts, even when accompanied with requests for payment or a contribution:

> "...is an age-old form of missionary evangelism -- as old as the history of the printing presses. It has been a potent force in various religious movements down through the years... It is more than preaching; it is more than distribution of religious literature. It is a combination of both. Its purpose is as evangelical as the revival meeting. This form of religious activity occupies the same high estate under the First Amendment as do worship in churches and preaching from the pulpits..."

In a more recent case, *International Society for Krishna Consciousness, Inc. v. Collins (1977)*, federal courts have struck down state ordinances which forbid proselytizing and the sale of religious literature in public places. The courts have uniformly held that the Hare Krishna practice of "Sankirtan" (dancing, chanting, distributing literature and soliciting contributions) is a protected religious activity. As a result, numerous courts have ruled unconstitutional licensing statutes which give the licensing officials "unbridled discretion" to grant or deny a permit (*People v. Fogelson* , 1978). The courts have uniformly struck down licensing statutes which contained standards so broad or vague as to give no firm guidance to licensing officials (*Levers v. City of Tullahoma, Tennesee,* 1978) and statutes which placed unnecessary restrictions on religious activities (*International Society for Krishna Consciousness of Western Pa., Inc. v. Griffin,* 1977).

Furthermore, the Supreme Court has ruled that types of conduct based on religious belief should receive special protection. Thus, the Court maintained that Amish parents could refuse to send their children beyond the eighth grade in the public school system, since the state interest in requiring two more years of schooling failed to outweigh Amish religious tenets. Similarly, when a Seventh-Day Adventist was fired for refusing to work on Saturdays (her holy day), the Court ruled that she was fully entitled to unemployment benefits.

Although the Supreme Court held the state statute forbidding religious solicitation to be unconstitutional, it did explain what type of regulation is permissible. In *Cantwell v. Connecticut* (1940), the Court held that:

> "A state may by general and non-discriminatory legislation regulate the times, the places and the manner of soliciting upon its streets, and of holding meetings thereon; and may in other respects safeguard the peace, good order, and comfort of the community

without unconstitutionally invading the liberties of the Fourth Amendment.

> "Nothing we have said is intended even remotely to imply that, under the cloak of religion, persons may, with impunity, commit frauds upon the public. Certainly penal laws are available to punish such conduct..."

In its decisions, the Supreme Court consistently has balanced the right of expression against countervailing public interests. Public regulation, however, cannot control either the right to proselytize or its message -- only its time, place and manner. Furthermore, such regulations should be narrowly drawn in order to avoid any "chilling" effect on Constitutionally protected rights and to avoid discrimination of any form. But, all activity cannot be protected under the claim of religious belief. Religious conduct such as polygamy, snake handling or the ceremonial use of drugs is not protected under the Free Exercise Clause because the Supreme Court has held that strong societal interests in safety and morality justify the prohibition of such conduct.

The concept of freedom of religion in U.S. law and practice is so basic that the courts have ruled that even parents do not have the right to force their children to abandon a religion with which the parents do not agree (Katz v. Superior Court of the State of California for the City and County of San Francisco, 1977). Religious laws and practices in the United States appear to conform with both the spirit and the letter of the relevant provisions of the Helsinki Final Act.

INTERNATIONAL COVENANTS ON HUMAN RIGHTS

One of the major criticisms of the United States' human rights record, voiced both by other CSCE countries and private domestic organizations, is the nation's failure to ratify the International Covenants on Human Rights. The Covenants, which were signed by President Carter and are now before the Senate Foreign Relations Committee, were adopted by the United Nations in 1966 and brought into force in 1976. They codify -- in treaty form -- universally accepted standards for the achievement and protection of human rights and legally commit ratifying states to adhere to those standards. Although American failure to ratify the Covenants is not a violation of the specific language of the Helsinki Final Act, it is clearly contrary to the spirit of the document. Furthermore, this failure excludes the U.S. from participating in other international human rights structures only open to those states which have ratified the Covenants. The sincerity and credibility of the United States in the field of human rights are seriously impaired by the fact that we have not yet ratified the Covenants.

The reference to the Covenants in the Final Act is contained in the last paragraph of Principle VII. The CSCE states, in addition to pledging themselves to "act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights" also reaffirmed their commitment to "fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound." Indirect reference to the Covenants is made in Principle X which commits participating states to fulfill in good faith their existing obligations under international law. Clearly then, the Final Act does not oblige any country to become a party to any international agreement, but rather to fulfill those international obligations it has already undertaken.

Background

Promotion of human rights and fundamental freedoms for all was included in the Charter of the United Nations' statement of basic purposes. In the early days of the United Nations, the Economic and Social Council and its Commission on Human Rights decided that an international document on human rights should be drafted and that it should consist of a declaration of general principles, having moral force; a separate covenant legally binding on those states ratifying it; and measures of implementation.

Within a relatively short time, the Commission drafted the Universal Declaration of Human Rights, an historic document that set the standards for the achievement and protection of human rights in the post-war world. The Declaration is an internationally endorsed statement of principles and an authoritative guide to the interpretation of the U.N. Charter. Although the Declaration does not have the force of law, it has had some legal impact in that it has inspired human rights clauses in national constitutions and international conventions on specific rights since its adoption by the General Assembly in December of 1948.

Having proclaimed the Universal Declaration of Human Rights, the U.N. turned to transforming those principles into treaty provisions which establish legal obligations on the part of each ratifying state. Eventually, it was decided that two covenants were needed: one dealing with civil and political rights; the other with economic, social and cultural rights. The prevailing view was that separate covenants should be adopted because civil and political rights could be secured immediately whereas adequate economic, social and cultural rights could only be achieved progressively, according to each nation's available resources.

It took 18 years before a majority of the U.N. members agreed on the wording of the documents. In December of 1966, the General Assembly adopted the International Covenants on Human Rights. Another decade passed before they were ratified by the required 35 states necessary to bring them into force. The International Covenant on Economic, Social and Cultural Rights entered into force in January of 1976 and the International Covenant on Civil and Political Rights became effective in March of the same year. To date, 62 nations have ratified the economic, social and cultural treaty, while there are 60 parties to the Covenant on Civil and Political Rights.

While the Universal Declaration is essentially a global bill of rights which proclaims and affirms certain "equal and inalienable rights of all members of the human family," the Covenants legally commit each nation to guarantee those rights to their citizens while establishing a minimum standard of governmental conduct.

The Covenant on Economic, Social and Cultural Rights assures the right of citizens to employment, safe working conditions, social security, education, health care, participation in trade unions, cultural life, scientific research and creative activity, and commits governments to guarantee the progressive realization of these rights.

Under the Civil and Political Covenant, state parties are obligated to ensure that the individuals within their jurisdiction enjoy a number of rights, including the right to life, liberty, security of person, equality before the courts, presumption of innocence when charged with a crime, freedom of thought, conscience, religion, assembly, expression, association, movement and residence, and the right to participate in voting and public affairs. The treaty also prohibits torture, slavery and cruel, inhuman or degrading treatment or punishment.

The Covenant on Civil and Political Rights further provides for the establishment of a Human Rights Committee which may receive and consider communications from one state party alleging that another state party is violating the provisions of the Covenant. Furthermore, under the Optional Protocol to the Covenant, which 23 countries have ratified, the Committee may also receive and consider communications from individuals claiming to be victims of violations. The Committee is also empowered to review and comment on reports required from each ratifying nation which detail that nation's implementation record. Although far from a fool-proof enforcement mechanism, the Committee provides an increasingly important international forum to focus attention on the problems of human rights violations.

U.S. Attitude Toward Covenants

The United States voted for both of the Covenants at the United Nations in 1966 but, at the time, expressed concern that they "do not go far enough in protecting the rights of all individuals." Up until a few years ago, the official American position was that the Covenants do more harm than good since they provide a dangerous legal basis for the restriction of human rights. This position was based on the fact that the rights enumerated in the Covenants are not absolute; there are clauses which permit a ratifying state to limit the rights and freedoms of individuals within their jurisdiction. However, restrictions may not be imposed arbitrarily, but only insofar as they are necessary to protect "public safety, order, health, or morals or the fundamental rights and freedoms of others." Additionally, limitations on these rights must be prescribed by domestic law. The Covenants also specifically prohibit interpreting any language in the treaties as justification for the denial or further limitation of individual rights. Many Western countries, apparently regarding international recognition of human rights in a legally binding document as outweighing the potential risks of abuse presented by these clauses, have become parties to the Covenants. These include the CSCE signatory states of Canada, Denmark, West Germany and Great Britain.

American Views on Ratification

Opinion in the U.S. has been divided on the merit and utility of the International Covenants on Human Rights. In the 1950's, some claimed that multilateral human rights treaties would infringe upon the powers and rights of the states in the federal system. Others opposed the treaties alleging that, under the Constitution, the Federal Government lacks the power to enter into treaties of a human rights nature. Others allege that specific provisions of the Covenants conflict with substantive articles of the Constitution. Isolationists and opponents of the United Nations viewed the Covenants and other international treaties as attempts to interfere in the domestic legislative process. Conservatives believed that U.S. adoption of the economic, social and cultural treaty would make "Marxism and socialism the supreme law of the land."

In 1954, a Constitutional amendment proposed by former Ohio Senator John W. Bricker which would have prevented the U.S. Government from entering into any international agreement that might infringe on the powers of the states or be self-executing (i.e. enforceable by the courts without implementing legislation) was defeated in the Senate by one vote. In order to ensure the amendment's defeat, Secretary of State John Foster Dulles was forced to pledge that the United States did "not intend to become a party to any such covenant or present it as a treaty for consideration by the Senate."[25] The Dulles Doctrine, as it became known, remained in effect throughout the next two decades.

In the past few years, especially since the signing of the Helsinki Final Act, the climate for ratification of international human rights treaties has greatly improved. The passage of time has done much to allay many of the more extreme fears about ratification. The enactment of civil rights legislation and the effect such legislation had on the debate over state versus federal authority has helped to defuse many of the Constitutional issues. The increased interest in international human rights promoted by Congress and the Carter Administration has also contributed to the general change in attitude.

In September of 1976, then-presidential candidate Jimmy Carter stated that the United States should "move toward Senate ratification of several important treaties drafted in the United Nations for the protection of human rights" including the International Covenants on Human Rights. Six months later, in a major address to the United Nations General Assembly, President Carter pledged to sign the Covenants and to "seek Congressional approval" of them.

In August of 1977, the CSCE Commission issued a comprehensive report on the status of implementation of the Helsinki Final Act two years after its signing. In that report, the Commission noted that President Carter's pledge was "overdue." "Until it is fulfilled," the report said, "the United States is at a disadvantage in pursuing respect for the Covenants' provisions from those Helsinki signatories which -- on the basis of the Commission's findings -- are honoring neither the Covenants they ratified nor Principle VII..." The Commission recommended that "those Final Act signatories which have not yet signed and ratified the International Covenants on Human Rights -- especially the United States -- take prompt action to do so."

On October 5, 1977, a day after the CSCE review conference opened in Belgrade, President Carter signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

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[25] Hearings before a Subcommittee of the Committee of the Judiciary, U.S. Senate, 83rd Congress, 1st Session, on S.J.Res. 1 and S.J.Res.43, 1953, page 825.

In Februry of 1978, President Carter submitted the two human rights Covenants, along with the International Convention on the Elimination of All Forms of Racial Discrimination and the American Convention on Human Rights, to the Senate for advice and consent to their ratification. The President observed that "while the United States is a leader in the realization and protection of human rights, it is one of the few large nations that has not become a party to the three United Nations human rights treaties. Our failure to become a party increasingly reflects upon our attainments, and prejudices United States participation in the development of the international law of human rights." The Covenants are presently before the Senate Foreign Relations Committee, which has scheduled public hearings for mid-November.

Although the great majority of the substantive provisions of the Covenants are entirely consistent with the letter and spirit of the U.S. Constitution and laws, the President recommended reservations, understandings or declarations wherever a provision is or appears to be in conflict with United States law. Amnesty International USA, the American Association of the International Commission of Jurists and the International League for Human Rights -- in a joint statement endorsing ratification -- took the position that, "...as a matter of policy, reservations should not be used to limit freedoms and rights but only to expand them." However, if the proposed reservations are necessary in order to ensure the two-third majority necessary for passage by the Senate, most advocates probably would rather have the Covenants ratified with reservations than not at all.

Conclusion

The Commission believes that ratification of the International Covenants on Human Rights and the Optional Protocol should be given the highest priority by both the Administration and the Congress. The Commission also believes that a minimum number of reservations, consistent with the U.S. Constitution, should be attached.

The Commission strongly urges the Administration to encourage the Senate to ratify the Covenants. The Commission recommends that the Senate Foreign Relations Committee report favorably on the Covenants so they may be brought before the full Senate during the 96th Congress. The Commission further recommends that the Senate ratify the Covenants and that the President sign the Optional Protocol and submit it to the Senate for advice and consent to ratification. The Commission reiterates its 1977 recommendation that:

> "The act of ratification...would be a positive step toward compliance with Principle VII and creating mechanisms to ensure international respect for human rights within and beyond the Helsinki states."

CONCLUSION - CHAPTER 3

The Commission has tried to interpret Principle VII in the broadest possible way in order to address the various criticisms directed toward the United States by other signatory states and by private groups and individual citizens both here and abroad. Although a concerted effort has been made to cover as much ground as possible, there are certainly some aspects which may have been overlooked or not given the attention they deserve. It should be pointed out, therefore, that this report -- like the Helsinki Final Act itself -- is a first step in a long process. The Commission will continue to monitor and encourage compliance -- both in the United States and in other signatory states -- with the human rights provisions of the Helsinki Final Act.

Human rights are fundamental to our very existence as a nation. Enshrined in our Constitution and Bill of Rights, upheld by our courts, improved and enhanced by our laws and stoutly defended by our people and our elected leaders -- the human rights issue is a central theme of our history, our society and our future. Although we are not perfect, we are proud of our record and proclaim it second to none as far as individual freedom is concerned. While, as several parts of the human rights section demonstrate, we still have to make improvements in the area of economic and social rights, we can take pride in the ongoing American struggle to build a society in which poverty, discrimination, disease, crime and corruption are kept to a minimum if not eliminated altogether. And, again, the Commission believes that our record is as good, if not better, than any other Helsinki signatory country.

The Commission has tried to look at U.S. performance both broadly and specifically, giving attention to continuing efforts to improve, pointing out areas of deficiency, and suggesting positive steps toward fulfillment of the human rights promises of the Helsinki Final Act. We hope that other participating states, particularly those which are so frequently critical of our society, will follow our example and take a serious look at their own performances, especially in the important and sensitive areas of human rights and fundamental freedoms. At Madrid -- as at Belgrade -- the United States will be prepared to discuss the status of implementation in the field of human rights as well as in other areas, both here and in other signatory countries.

As this report seeks to point out, U.S. performance in the field of human rights is good yet we have recognized that there are some areas where performance can and should be improved: there is a need for individual Americans and their government to continue to be cognizant of our international commitments in the field of human rights. If human rights are to continue to be -- as they should -- a central part of our foreign policy, then we cannot fail to examine our own performance at home. This section is a part of that continuing self-examination.

CHAPTER FOUR

BASKET II - ECONOMIC AND SCIENTIFIC COOPERATION

INTRODUCTION

The political detente which began in the early 1970's brought with it the steady expansion of East-West commercial relations. Two-way trade has increased significantly. Various governmental and commercial agreements have been signed between the countries of East and West. Industrial cooperation agreements have been entered into by private Western firms and their Eastern counterparts. The result has been a steady movement toward normalization of commercial relations.

The Final Act recognized the important link between political and economic coexistence and devoted its largest section to "Cooperation in the Field of Economics, of Science and Technology and of the Environment," commonly known as Basket II. The main premise underlying the six major provisions of this "Basket" is that "efforts to develop cooperation in the fields of trade, industry, science and technology, the environment and other areas of economic activity contribute to the reinforcement of peace and security in Europe and in the world as a whole." The participating states, therefore, reaffirm "their will to intensify such cooperation between one another, irrespective of their systems...." This will be achieved, in particular, by facilitating the expansion of commercial exchanges, of industrial cooperation and projects of common interest and of cooperative scientific and technological projects, particularly in the areas of the environment and transportation.

In one sense, the Basket II provisions of the Final Act reaffirmed activities and trends that had been in progress before the Act's signing and which would have undoubtedly continued had there been no CSCE. They have, nevertheless, helped to pinpoint the major problem areas in East-West trade and to help achieve a normal trading pattern between nations with differing social and economic systems. Four years after the signing of the Final Act, most of the major difficulties in East-West economic cooperation still stand as restraints to the full development of that cooperation. However, almost all the signatory states have taken some small steps forward to improve their compliance with these provisions.

The major portion of this section will focus on U.S. efforts to improve commercial ties and to encourage economic and scientific cooperation with the member countries of the Council of Mutual Economic Assistance (CMEA) -- Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and the USSR. The United States has consistently and traditionally maintained its closest trading relations with the other signatory countries of Canada and Western Europe. U.S.-West European trade flourished decades before the Final Act and expanded on the basis of normal commercial channels with minimal government involvement. U.S. two-way trade with NATO countries, for example, amounted to over 100 billion dollars in 1977 -- which represented 44.9 percent of total U.S. exports and 36.17 percent of total U.S. imports.

The Final Act's provisions in this area are more directly applicable to trade between the Eastern and Western countries than they are to trade between the Western countries alone. U.S. trade with the CMEA countries operates under more variable conditions due to two divergent economic systems and a relatively new trading relationship. Therefore, the basis of this report will follow the expected development of U.S.-CMEA relations rather than Western trade relations.

The United States, since the beginning of this decade, has actively promoted East-West commercial ties largely as a way of easing international tensions and improving the U.S. trade balance. As a result, two-way trade with the countries of Eastern Europe and the Soviet Union, in general, has risen steadily since 1970. While East-West trade still accounts for a small percentage of overall U.S. trade, total trade turnover with the East rose from a modest 580 million dollars in 1970 to over 5 billion dollars in 1978.[26] Present trends indicate that trade with these countries is likely to continue to expand, though at a somewhat slower pace.

The growth of U.S. trade with the European CMEA countries has been a steady but slow process because of the differences between the two economic systems and the relatively recent development of the trading relationship. The United States Government, within the limits of its competence, has actively addressed many of the issues contained in Basket II by promoting and facilitating East-West trade.

Change, as the Final Act recognizes, must come gradually. The Helsinki accord's most valuable contribution is that it serves as an added impetus for that change and as the "conscience" of improved East-West relations. It made the concerned U.S. agencies more aware of the problems that exist. Gradually and within the limits of U.S. interests and the American system, they have begun to modify and resolve those problems.

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[26] See Appendix IV, Chart 2.

COMMERCIAL EXCHANGES

General Provisions

The Final Act's provisions regarding the promotion of commercial exchanges, one of six major Basket II sections, were designed to form the framework for the participating states to seek improved trade and economic relations with each other.

The introduction to this first section, "General Provisions," calls on the signatory states to encourage the expansion and diversification of the structure of trade. Specifically, that trade should be expanded, according to the Final Act, by improving economic and commercial arrangements, by negotiating long-term bilateral and multilateral agreements, and by recognizing the beneficial effects of the granting of most-favored-nation treatment. Also noted in this section is the importance of favorable monetary-financial policies, of removing other trade problems, and of avoiding domestic market disruption to ensure the growth and diversification of trade.

The United States has frequently voiced its commitment to an open and equitable world trading system in the belief that the expansion of trade can contribute significantly to the welfare of each country's citizens and to a better climate of overall relations. The Multilateral Trade Negotiations (MTN) which have just been concluded reflect U.S. interest in reducing, as much as possible at the present time, both tariff and non-tariff barriers to trade. Under the new trade agreements, tariffs will be reduced and new standards for the conduct of trade -- designed to eliminate many non-tariff barriers to trade -- will be in effect. The decisions reached during the MTN negotiations -- in which the U.S. played an active role -- will hopefully lay the basis for a significant expansion of world trade in future years.

However, because the United States is a free market economy, the U.S. government is limited in its ability to increase commercial exchanges which are conducted solely by private enterprises. Nevertheless, the Government has organized numerous programs to facilitate U.S. businessmen's entry into specific contractual relations and, of all the other signatory states, has consistently maintained among the least restrictive conditions for foreign businessmen operating within this country. Details of these various initiatives are outlined in the sections which follow.

Criticisms which have been raised about U.S. compliance in the Basket II area have largely centered around allegations of non-compliance with the "General Provisions" introduction to Basket II's first section. The main thrust of these criticisms, which have repeatedly been raised during bilateral and multilateral discussions by the Eastern CSCE states, is that U.S. trade policies in four specific areas discriminate against the CMEA states, violate the relevant Final Act provisions and stand as obstacles to the development of trade between the United States and the CMEA nations. These four areas, and their related Final Act provisions, are: the granting of most-favored-nation trade status ("the participating States...recognize the beneficial effects which can result for the development of trade from the application of most favored nation treatment"); the extension of government and government-backed credits ("the participating States...note the importance of monetary and financial questions for the development of international trade"); export control restrictions ("the participating States...will endeavor to reduce or progressively eliminate all kinds of obstacles to the development of trade"); and market disruption and antidumping regulations ("if the participating states resort to safeguard measures, they will do so in conformity with their commitments in this field arising from international agreements").

Most-Favored-Nation Benefits and Trade Agreements

Prior to the signing of the Helsinki Final Act in August of 1975, the United States had extended non-discriminatory tariff treatment (most-favored-nation) to Canada, the countries of Western Europe, Poland and Yugoslavia. Since that time, the U.S. has implemented commercial agreements, which include MFN tariff treatment, with Romania and Hungary. The Agreement on Trade Relations with Romania was negotiated during 1975 and entered into force on August 3, 1975, two days after the signing of the Final Act. It was renewed in 1978 for an additional three year period. The United States also negotiated a trade agreement with Hungary in 1978, and the agreement entered into force on July 7, 1978, for an initial three year term.

The United States does not extend MFN treatment to the German Democratic Republic, Bulgaria, Czechoslovakia and the USSR. Extension of MFN to these countries must be done within the framework of the 1974 Trade Act which provides the legislative authority for the granting of most-favored-nation status to non-market economies. Section 402 of the Act links the extension of MFN to a country's emigration practices and requires annual Congressional review of those practices. Specifically, the Act allows the President to waive the Act's prohibitions against extending MFN and entering into a trade agreement with a non-market economy country which does not grant its citizens the opportunity to emigrate if he: (1) determines that such a waiver will substantially promote the objectives of freer emigration and (2) receives assurances from the foreign government that its emigration practices will, in the future, lead substantially to the objectives of freer emigration. Furthermore, MFN can be extended only as part of a bilateral trade agreement, which is limited to a three year, renewable term. Section 405 of the Act outlines certain minimum provisions which must be contained in a trade agreement. If these conditions are satisfied and a trade agreement is negotiated, MFN is extended to the other party. It should be noted that while trade agreements may be extended under the Act for renewable three year periods, the Presidential waiver authority required for MFN to non-market economies (except Poland and Yugoslavia) must be renewed annually. While the U.S. has recognized the principle that the application of most-favored-nation treatment can have beneficial effects, the Trade Act acknowledges that such effects can be lasting only if MFN is granted on the basis of effective reciprocity and in conjunction with efforts to reduce serious political differences.

Both the Romanian and Hungarian Agreements were concluded in accordance with these requirements and include substantive provisions designed to promote trade and economic cooperation. These include non-discriminatory trade relations; principles governing the expansion of trade; facilitation of business contacts; market disruption safeguards; rights relating to financial transactions; rights relating to patents, trademarks, copyrights, and other industrial rights and processes; the establishment of government trade offices; and settlement of commercial disputes.

With respect to Czechoslovakia, the Trade Act contains a separate provision (Section 408, The Long-Gravel Amendment), which requires that the U.S. and Czechoslovakia renegotiate their agreement of July 5, 1974, concerning the settlement of the claims of U.S. citizens against the Government of Czechoslovakia. The renegotiated agreement must be submitted to Congress for approval at the same time as any proposed trade agreement. The claims agreement has not yet been renegotiated.

Other Government-to-Government Agreements

The United States has also entered into numerous other government-to-government agreements with the CMEA nations, each of which has helped contribute to an expansion of trade and economic cooperation. Three significant economic agreements have been signed with Romania. The Long-Term Agreement on Economic, Industrial, and Technical Cooperation, implemented in 1977, contains detailed provisions governing equity investment, joint ventures, and other types of cooperation agreements. The Convention between the United States and Romania with respect to taxes on income was entered into force February 26, 1976 and became effective January 1, 1974. This convention is designed to eliminate double taxation and to lay down principles relating to taxation of foreign business. The Maritime Transport Agreement of 1976 sets out maritime transport principles. Other commercial-related agreements signed with the Romanian government include: a Fisheries Agreement (1976), Airworthiness Agreement (1976), Textiles Agreement (1978) and an Agreement on Atomic Energy.

As a representative sample, the U.S. has negotiated and signed further agreements on: Fisheries (1976), Grain (1975), Copyright License (1978) and Maritime Affairs (1975) with the Soviet Union; Fisheries (1976) and Culture and Science (1977) with Bulgaria; and a Fisheries Agreement (1976), a Cooperative Funding Agreement in Science and Technology (1975), and a Textile Agreement with Poland. The U.S. and Hungary, in addition to the 1978 U.S.-Hungarian Agreement, have also signed a bilateral income tax treaty (1979), Parcel Post Agreement, an Agreement on Cooperation in Culture, Education, Science and Technology (1977), and one on Visa Facilitation (1976).

Monetary-Financial Questions

Private Credits

All countries have access to U.S. private banks and financial institutions in order to arrange private loans and credits, which are extended on the basis of prevailing commercial rates and terms. Substantial amounts of private credit have been extended to the Eastern countries through these channels and many of these credits are available in the form of Eurodollar loans. Hungary has recently completed arrangements with U.S. banks for the direct borrowing of 300 million dollars on the U.S. market. The Federal Reserve has estimated that U.S. banks had claims of 4.4 billion dollars on CMEA countries in December of 1976, and another source notes that U.S. banks hold 12.3 percent of all bank claims in non-market countries.

Non-discriminatory restrictions on borrowing in the United States are contained in the Johnson Debt Default Act of 1934, which prohibits a private person from purchasing or selling the bonds, securities, or other obligations of, or loan money to, a foreign government which is in default on its obligations to the United States Government. Romania, Hungary and Bulgaria are not in default on such obligations and thus are not affected by the Act. However, the USSR, Poland and Czechoslovakia are potentially affected. The applicability of the Act with regard to the German Democratic Republic has not been clarified. Nevertheless, exceptions to the Act and interpretations by the Attorney General have so narrowed the scope of the Act that a significant amount of financing directly from private U.S. sources, including export financing, is still possible even to those countries directly affected.

Government and Government-Backed Credits

The major U.S. Government financing institutions are the Commodity Credit Corporation (CCC), which finances agricultural exports, and the Export-Import Bank, which finances other export transactions. Between 1975 and 1978, the CCC extended over one billion dollars in agricultural credits to the eligible countries of the CMEA. In the same period, the Export-Import Bank authorized approximately 237 million dollars in financial support (loans, guarantees and insurance) to Poland and Romania, including over 179 million dollars in direct credits. In the spring of 1979, Hungary completed arrangements with the Export-Import Bank that would allow it to receive export financing support.

Unlike private credits, the extension of U.S. Government credits is governed by specific provisions of U.S. law. Section 402 of the Trade Act prohibits the extension of government or government-backed credits to non-market economy countries, other than Poland, unless they have implemented trade agreements under the terms of the 1974 Trade Act. Romania and Hungary have implemented such agreements and are therefore eligible for U.S. government credits.

The Export-Import Bank Act of 1945, as amended, also contains certain provisions governing the extension of financial support. Such support may not be granted to Communist countries -- as defined in the Foreign Assistance Act of 1961 -- unless the President determines that it would be in the national interest to do so. These determinations have been made for all CMEA countries that are otherwise eligible for Eximbank financing. In addition, the Act requires a separate national interest determination by the President for any transaction with a Communist country in excess of 50 million dollars.

Section 7(b) of the Export-Import Bank Act also imposes the following limitations on financial support for the USSR:

-- A 25 million dollar ceiling on the export of goods or services involving research, exploration or production of fossil fuel energy resources, unless the Bank makes a detailed prior report to the Congress.

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-- A 40 million dollar ceiling on the purchase, lease or procurement of any product or service which involves research or exploration for fossil fuel energy resources.

-- No financial support for the purchase, lease or procurement of any product or service for production (including processing and distribution) of fossil fuel energy resources (the Church Amendment).

-- A 300 million dollar ceiling on aggregate financial support extended after the date of enactment of the Export-Import Bank Amendments of 1974, unless the President determines that a higher ceiling is in the national interest, and Congress adopts a concurrent resolution approving such determination. Under this procedure, restrictions may be waived on financial support for the research, exploration, and production of fossil fuel energy resources (the Stevenson Amendment).

Approximately 455 million dollars in Export-Import Bank financial support to the Soviet Union, extended before the Stevenson Amendment restrictions became effective, is being repaid.

Presently pending before Congress is a bill introduced by Senator Adlai Stevenson (D.-Ill.) to revise his original amendment and certain provisions of the Trade Act, and a similar Amendment by Rep. Les AuCoin (D.-Oreg.). Their bills would essentially substitute limitations imposed on credits to the Soviet Union with a two billion dollar limitation on bank loans to any non-market economy, would eliminate the other credit restrictions for the Soviet Union, and would revise Section 402's waiver provisions to empower the President to make his own determination without requiring formal assurances from the foreign government.

Other Trade Questions

General

In the context of the Multilateral Trade Negotiations in Geneva, the U.S. negotiated separate bilateral agreements with Romania, Hungary and Poland covering tariffs and non-tariff measures not dealt with in the multilateral context. These agreements will lead to the removal of several obstacles to trade. They will result not only in lower tariffs but also will address such non-tariff barriers as a lack of commercial and economic information and statistics, import quotas, exchange rates, and restrictions on hiring of personnel.

Export Controls

The United States, like all countries with an inherent interest in promoting exports, must consistently strive to maintain a proper balance between the need to increase exports

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generally and to control those exports which might harm national security or foreign policy interests. The two concerns are often contradictory, and both the legislative and executive branches of the U.S. Government strive to periodically review and revise the laws and procedures governing U.S. export controls to ensure that they best meet the requirements of both these interests. Such a review is presently underway in the Congress, which is examining ways of reforming the legislation authorizing export controls for national security, foreign policy and short supply purposes.

Basic statutory authority for controlling the export of most products with both civilian and military applications from the United States is contained in the Export Administration Act of 1979, which recently replaced the Export Administration Act of 1969. Controls on all exports to communist countries were originally established in the Export Administrtion Act of 1949. The 1979 Act emphasizes the need to encourage trade. It also sets criteria by which exports may be controlled: to protect United States national security interests, to further U.S. foreign policy objectives and international responsibilities, and to protect the domestic economy from exports of scarce materials.

Responsiblity for administering the Act has been delegated by the President to the Department of Commerce, with the support and consent of the Department of Defense (which evaluates the military applicability of proposed exports) and the Department of State (which reviews control for foreign policy purposes and coordinates multilateral export controls).

The great majority of U.S. manufactured exports -- 95 percent -- fall under a "general license" category which does not require a specific license application by the exporter. Only specified commodities to particular countries require so-called "validated licenses" which U.S. companies must obtain from the Commerce Department and which specify the type, quantity and destination of the export. The categories of goods which require these licenses and the countries to which these exports are restricted are published in a Commodity Control List. Such products include:

1. Civilian products "with significant potential military applications, whose use for military purposes...is judged to endanger U.S. security."
2. Thirty-eight high technology items which are not available elsewhere.

3. Goods relating to nuclear facilities and weapons, and crime control and detection equipment, that are controlled for foreign policy reasons. Procedures and criteria for control of nuclear items are contained in the Nuclear Non-Proliferation Act of 1978.

4. Short supply products, such as petroleum.

5. Recently, petroleum equipment has been controlled for foreign policy considerations.

In addition, technical data relating to the production of these items are subject to controls.

Government procedures for reviewing validated license applications, particularly to East bloc countries/, are complex and involve several government agencies. The exporter submits his application to the Commerce Department's Office of Export Administration. There it is reviewed by the Operations Division, which numbers each application and the Licensing Division which decides whether applications should be sent to the Policy Planning Division. Policy Planning decides whether to issue final approval or to refer the application to individual agencies, to the Defense Department or to a multi-agency Operating Committee. The Operating Committee, composed of representatives from the Department of Commerce, Defense, State, Treasury, Energy, National Aeronautics and Space Administration, the National Security Council, the Arms Control and Disarmament Agency, and the CIA (as advisor), meets weekly to review license applications. All decisions must be approved unanimously. In the case of an impasse, the application is reviewed by a Deputy Assistant Secretary-level Advisory Committee on Export Policy. If that Committee fails to reach a unanimous decision, the decision is appealed to an Assistant Secretary-level Advisory Committee and then to a Cabinet-level Export Administration Review Board and finally to the President, if necessary.

In general, the principal criteria for reaching a decision on controlling a product have been: the nature of the export; its real or potential military uses, the end-user, its suitability for the proposed use and the risk of its being diverted for other purposes; the consequences of diversion should it occur; the advanced technology incorporated within the product; its availability within the country of destination or abroad; and the economic and commercial benefits of the transaction.

There have been, since Helsinki, a number of well-publicized decisions in the area of national security export controls, especially regarding computers and oil field equipment. In June of 1977, the U.S. Department of Commerce denied a license to a U.S. firm seeking to sell an advanced computer to the Soviet Union. Denial was based on potential military applications for the equipment. Also in July of 1978, after the trials of Helsinki monitors Shcharansky, Orlov and Ginzburg in the Soviet Union, another U.S. firm was denied a license to sell a computer to the

Soviet news agency TASS on the grounds that the computer had excess capacity which could be diverted to other uses. That decision has since been reversed. In August of 1978, the U.S. announced a new special control procedure governing sales to the USSR of items used for exploration or production of petroleum or natural gas. Under the new procedures, the U.S. exporter must obtain a validated license from the Commerce Department, but no such cases have yet been disapproved under the new regulations. In December of 1978, during the meeting of the joint U.S.-USSR Commission, then Commerce Secretary Juanita Kreps announced the approval of 22 deals for sales of oil field equipment to the Soviet Union valued at 65 million dollars.

While procedures are sometimes cumbersome due to efforts to make the best decisions regarding critical national questions, attempts have been made to expedite the process. Despite an ever-growing workload (65,000 validated license applications were received in 1978 compared to 54,000 in 1977; applications are being received at a current rate of 77,000 for 1979), the Commerce Department has been processing 75 percent of all applications in 10 days or less; 96.7 percent are being processed in 90 days or less. This is a significant improvement over last year's processing times, but still indicates that exporters had to wait over three months for decisions on several thousand applications.

The Commerce Department has also attempted to decrease the need for interagency review of certain cases and to institute administrative deadlines for case review. In 1978, for example, 7,823 cases out of 65,432 received, required an interagency review. Out of those interagency cases, 2,435 involved exports to countries of Eastern Europe and the Soviet Union, out of which only 374 required a full multiagency review by the Operating Committee. The Office of Export Administration has also been reorganized and its staff increased to enable a more rapid handling of license applications.

Congress has also attempted, in its periodic reviews of the Export Administration Act, to improve the decision-making procedures involved in U.S. export control policies by clarifying and limiting specific licensing criteria, by reducing licensing delays and by minimizing unilateral U.S. controls. The 1977 Amendments to the Act called for a limitation of export regulations and commodity control lists, for a periodic reassessment of export policies toward individual countries, and for a more expeditious handling of individual applications. The 1979 amendments to the Export Administration Act have recently passed the Senate and House (introduced by CSCE Commissioner Jonathan Bingham (D.-N.Y.)) Commissioner Bingham's bill is the first major reform of export control legislation in 10 years. It amends the Export Administration Act to (1) to make a clear distinction between foreign policy and national security criteria; (2) reduce the number of categories requiring validated licenses by encouraging the periodic removal of goods as they become obsolete and by allowing one application for multiple exports; (3) improve the efficiency of the licensing process by setting time limits on an agency's decisions, by continuously reviewing items controlled for national security reasons, and by requiring greater consideration of foreign availability; and (4) strengthen coordination of controls with other countries.

The voluntary, multilateral export Control Coordinating Committee (COCOM) was formed in 1949 to coordinate the national export controls of strategic commodities from member countries -- in recognition of the fact that effective controls required the agreement of the major producing states. COCOM periodically reviews and updates an embargo list it maintains of items which are mutually agreed to be of strategic significance. Individual transactions of items on the embargoed list may be approved for export after rather lengthy consultations with, and the unanimous approval of, the other member states. The present list includes 149 items divided under three categories -- international, international atomic energy, and international military. All transactions are secret, and there are no multilateral enforcement mechanisms. Each country unilaterally decides whether to submit an export request for COCOM approval and what enforcement measures to take.

Market Disruption and Other Safeguards

U.S. trade with the Soviet Union and Eastern Europe has generally increased (with a small decline in 1977) without serious or abrupt fluctuations. The greatest variation has been in U.S. agricultural exports, particularly wheat and corn, which depend on the needs of the importing countries. In order to ensure stability in international grain markets, the U.S. and the USSR, in October of 1975, signed an agreement on the supply of grain and informal understandings have also been reached with Poland and the German Democratic Republic on the purchase of U.S. agricultural commodities.

Because most Eastern European countries and the Soviet Union maintain complex import licensing and foreign exchange allocation systems to regulate imports, it is unlikely that a surge in U.S. exports could be interpreted as leading to market disruption in those countries. For its part, the United States maintains laws to safeguard against market disruption, dumping, and foreign subsidies. These laws are in keeping with the spirit of the Helsinki Final Act and are within our General Agreements on Tariffs and Trade (GATT) obligations.

Four basic legal provisions govern the investigation of market disruption or injury complaints against imports from non-market economies: the Anti-Dumping Act of 1921, the market disruption provisions and the escape clause provisions of the 1974 Trade Act, and the countervailing duty provisions of the 1930 Tariff Act. Except for the market disruption provisions of the Trade Act, these laws are non-discriminatory and may involve imports from any country. While the market disruption provisions apply only to Communist countries, they are generally consistent with the measures permitted under the GATT protocols.

(The following sections are taken primarily from analyses provided by the U.S. International Trade Commission):

Antidumping

The Antidumping Act of 1921, as amended, is intended to counter unfair foreign competition created by price discrimination. Whenever the Secretary of the Treasury determines that a class or kind of foreign merchandise is being imported into the United States at less than fair value, thereby injuring, threatening injury to, or preventing the establishment of, an industry in the United States, a special dumping duty, equal to the amount by which the imported merchandise is sold below "fair value," is levied and paid on all such imported merchandise. This is applicable to all countries.

Normally, sales at less than fair value are determined to exist if the price of goods exported to the United States is less than the price at which such or similar goods are sold in the exporting country for internal consumption. Where there are insufficient home market sales, fair value determinations are based on sales for export to countries other than the United States or sales outside the exporting country by facilities of a related company, as appropriate. If there is insufficient or inadequate information to determine fair value under one of the above methods, fair value is based on a "constructed value" of the products' costs, expenses and shipping fees, determined in accordance with Section 206 of the Act. Section 205(b) of the Act, added by the Trade Act of 1974, provides that sales in the home market at less than the cost of production are to be disregarded in determining foreign market value where such sales have been made over an extended period and in substantial quantities and are not at prices that permit recovery of all costs within a reasonable period of time in the normal course of trade. If there are insufficient home market sales above the cost of production, constructed value must be used.

Within six months after the initiation of an investigation (nine in complicated cases), a preliminary determination as to whether sales at less than fair value exist is made by the Secretary of the Treasury. If the determination is affirmative, appraisement of imports is withheld, and future shipments may enter only under a bond sufficient to cover possible future dumping duties. The final determination is made within three months thereafter. If the final determination is affirmative, the case is forwarded to the U.S. International Trade Commission (USITC) for a determination of whether the imports at less than fair value are injuring, threatening injury to, or preventing the establishment of a U.S. industry. An affirmative determination of injury by the USITC is followed by a formal Dumping Finding, after which all imports covered by the Finding are subject to the assessment of duties to offset any dumping margins that exist on each entry of the merchandise following the date at which appraisal was withheld.

In April of 1978, the Treasury Department issued new regulations on the calculation of fair value of imports from state-controlled economies -- imports which cause particular problems because prices of goods in such economies are determined by the state and not by free market forces. In general, the determination of fair value will be made on the basis of the normal cost, expense and profit as reflected by either (1) prices at which such or similar merchandise of a non-state-controlled economy country or countries is sold either for home consumption or to other countries; or (2) the constructed value of such or similar merchandise in a non-state-controlled-economy country or countries.

Since Helsinki, several cases have been brought to the International Trade Commission charging that CMEA countries have been selling goods at less than fair value. Given the size of the trade, however, relatively few findings of injury have been made and only rarely have duties been assessed. Since 1970, only four antidumping cases were initiated against CMEA countries, and only one resulted in the final assessment of duties. On September 16, 1975, the USITC notified the Secetary of the Treasury that an industry in the United States was being injured by reason of imports from Poland of electric golf carts sold at less than fair value. As a result of that determination, special dumping duties were imposed by the Treasury Department.

On April 12, 1977, the International Trade Commission reported to the Secretary of the Treasury that no domestic industry was being or was likely to be injured by imports of clear sheet glass from Romania found by Treasury to be sold at less than fair value, and dumping duties were not imposed.

On August 7, 1978, the Department of the Treasury instituted an antidumping investigation with respect to standard household incandescent light bulbs from Hungary. Treasury, doubtful that an industry in the United States was being, or was likely to be, injured by the Hungarian imports, referred this question to the USITC, and on September 5, the Commission found that there was no reasonable indication of injury, or

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likelihood thereof. Treasury thereupon terminated its investigation. An investigation was also instigated with respect to the dumping of carbon steel plate from Poland which resulted in a finding of no injury on June 18, 1979.

Market Disruption

The market disruption provisions (Section 406) of the Trade Act give the President authority to restrict imports from non-market economy countries if such imports cause or threaten to cause material injury to the U.S. domestic industry. The provisions apply only to communist countries and were included in the Act in order to provide an alternative means of dealing with the problem of applying existing safeguards, such as the Anti-Dumping Act, to the products of communist countries. Procedures and criteria used by the International Trade Commission to make a determination of market disruption with regard to imports from non-market economy countries parallel those used to determine domestic injury in escape clause cases by imports from both market and non-market economy countries.

Under Section 406 of the Act, in order to conclude the existence of market disruption, imports must be: (1) the products of a Communist country, (2) increasing rapidly, and (3) a significant cause of or threat of material injury to the industry. Similar provisions apply to all countries under the escape clause mechanism of the 1974 Trade Act. When determinations of market disruption are made, the President may take immediate actions to restrict imports or he may decide to take no action if he determines that such relief would not be in the national economic interest.

From 1976 to the present, two investigations with respect to two CMEA countries have been conducted under Section 406 of the Trade Act, neither of which has resulted in the limitation of imports.

On May 16, 1978, following the receipt of a petition for relief from clothespins imported from Poland and Romania, the International Trade Commission determined that these imports did not disrupt the market for clothespins produced by a domestic industry.

In July of 1979, U.S. ammonia producers filed a petition with the USITC for relief from Soviet ammonia imports, which increased rapidly in 1978 as a result of a compensation agreement between Occidental Petroleum and the Soviet Union.

The USITC has recommended that the President impose a three year quota on the importation of anhydrous ammonia. If accepted, the quota would limit imports to one million tons in 1980, 1.1 million tons in 1981 and 1.3 million in 1982.

In the sensitive area of textile imports, the U.S. has eliminated quantitative restrictions against Hungary and Czechoslovakia in return for commitments from each country to consult with the U.S. in the event of rapidly rising U.S. imports and possible market disruption.

Escape Clause

Section 201 of the Trade Act of 1974 ("escape-clause") provides a means whereby relief may be sought for the purposes of facilitating orderly adjustment to import competition. When petitioned, or on their own initiative, the Commission is required to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article similar to or directly competitive with the imported article. This provision closely parallels the market disruption provisions of the Trade Act except that it applies to imports from all countries.

Countervailing Duty

Pursuant to Section 303 of the Tariff Act of 1930 ("Countervailing Duty Law") as amended, the International Trade Commission determines with respect to any duty-free article on which the Secretary of the Treasury has determined that a bounty or grant is being paid, whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of importation of such article. If an affirmative determination is made, duties, in the amount of the bounty or grant are assessed and collected except where the Secretary of the Treasury determines that adequate steps have been taken to reduce or eliminate the adverse effect of the bounty or grant, or that the imposition of an additional duty would not be in the national interest of the United States. In recent years there have been no countervailing duty investigations with respect to any of the non-market economy signatories to the Helsinki Final Act.

Conclusions

U.S. restrictions on granting the USSR and several other East European nations most-favored-nation treatment and an offering of U.S. Government credits under the conditions set forth by Section 402 of the 1974 Trade Act are, strictly speaking, not a violation of Basket II provisions. The Final Act states only that signatories should "recognize the beneficial effects" of granting MFN treatment, which the United States does by granting MFN to almost all the signatory states. Section 402 of the Trade Act was voted into law in 1974, before Helsinki, in an effort to encourage greater compliance by certain CMEA nations with key human rights and emigration policies later embodied in Principle VII and Basket III of the Final Act. By doing so, U.S. law sets basic conditions for the extension of non-discriminatory trading status and government-backed credits -- conditions which, since Helsinki, both Hungary and Romania have met. As a result, bilateral trade agreements have been concluded with these nations, which have thereby received both MFN benefits and official government credits.

Some members of Congress and key Administration officials have recently been advocating the granting of MFN status to certain countries on the basis of improvements in emigration performance and oral assurances that these improvements will continue. In keeping with their international commitments and with the requirements of U.S. law, those signatory states which do not have a preferred trading status with the U.S. may move significantly closer to acquiring such preference by substantial compliance with the provisions of Principle VII and Basket III of the Final Act.

The United States, like any other nation, can and should exercise export controls over items that affect national security. Nothing in the Final Act suggests otherwise. However, the CSCE Commission suggests, to further our commitment to the trade promotion sections of the Final Act, that Congress continue to reexamine existing export control legislation with an eye toward reducing present controls and streamlining the procedures which govern these controls. Since only less than one-half of one percent of all export control applications received in 1978 were rejected, it becomes clear that too many items are subject to review. For example, curbs on exports of items which are found to be readily available elsewhere ought to be removed or reduced to an absolute minimum. In these cases we are, for no practical reason, inhibiting substantial export sales while giving the impression that the U.S. may be an unreliable supplier. The Commission also notes that our allies in COCOM, one or more of which would be the probable competition for these sales, are much less zealous than we in withholding their high technology products from Eastern markets for security reasons. The Commission generally believes that exports should be controlled only for important national security or foreign policy considerations and we should continue to deny export licenses to American products that are indeed unavailable elsewhere and critical to our national security.

The Congress also should continue to examine ways of streamlining the export control bureaucracy to ensure that such decisions are made as expeditiously and as predictably as possible. Long, indefinite waiting periods for export licenses harm present and future sales and make it more difficult for U.S. industries to compete with foreign firms.

The Commission urges the continued scrutiny, by Congress and the Administration, of U.S. export control laws and procedures to ensure that both national security and national commercial interests are met.

The Commission has noted previously that criticisms raised against U.S. anti-dumping laws, as they are applied to non-market economies and market disruption provisions do, in fact, create some difficulties for CMEA states attempting to increase exports to the U.S. The Final Act does, however, recognize the principle that trade should not be conducted in a manner which could cause injury to domestic markets. Under U.S. procedures, no imports from CMEA states have yet been limited under the Trade Act's market disruption provisions and in only one case have duties been assessed under U.S. antidumping laws. As Karen Taylor and Deborah Lamb from the Department of Commerce noted in a recent article: "In the U.S., in 1977 and the first six months of 1978, some 168 escape clauses, antidumping, countervailing duty, unfair trade practices and market disruption cases were under active investigation. Only 5 percent of these cases involved communist countries as contrasted to the fact that 56 percent of the cases involved industrialized countries and 39 percent involved developing countries."[27] In all cases, the Department of Treasury and the International Trade Commission give careful consideration to the evidence submitted by both sides and reconsider decisions in light of new evidence.

Business Contacts and Facilities

The text of the Final Act calls on the signatory states to take measures designed to promote the expansion of business contacts, especially between sellers and users, in order to improve the development of commercial and economic relations. Specifically, the 35 states agreed to take measures that would encourage firms to accelerate the conduct of business negotiations, that would improve vital information on domestic legislation and would facilitate the provision of permanent representation offices, hotel accommodations and residences, and necessary means of communication.

The United States, both privately and officially, has consistently supported the Basket II concept that improved business contacts and facilities are of vital importance to the development of trade between nations, particularly nations with differing social and economic systems. In the U.S. view, personal contacts between businessmen who negotiate contracts are the most effective means of ensuring successful trade

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[27] Karen Taylor and Deborah Lamb, "Communist Exports to the West in Import Sensitive Sectors," Issues in East-West Commercial Relations: Joint Economic Committee (GPO, Jan. 1979), p. 129.

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relations. While some problems remain in U.S. compliance with these provisions, particularly in the granting of U.S. entry visas, significant progress has been made by the United States since the signing of the Final Act.

Business Contacts: Commercial Commissions

Because of their frequency, it is virtually impossible to report the exact number of trade contacts made between U.S. businessmen and their East European counterparts since the Conference on Security and Cooperation in Europe. There can be little doubt, however, that this largely unofficial and private network of trade contacts -- which, because of the free enterprise nature of the American economy, continues and expands primarily on the basis of private initiatives -- has increased since August of 1975 and has been one indication of the positive U.S. attitude toward East-West trade.

A further indication of that positive attitude in official U.S. policies may be found in the four joint Commercial Commissions which the United States has established with the USSR, Poland, Hungary and Romania. Three of these Commissions -- with the Soviet Union, Poland, and Romania -- were established as a result of summit meetings with the respective leaders in the early 70's and were viewed as a way of expanding trade by creating an institutionalized, governmental framework for resolving mutual economic problems. The U.S./Hungarian Economic Committee was formed as a result of the Trade Agreement signed in March of 1978 by the two countries to meet the same purposes as the other Commissions. The Commissions essentially set trade goals, facilitate commercial relations and open significant channels for the expansion of business contacts and industrial cooperation. They are chaired by senior officials on both sides, and include lower-level working groups operating in specific problem areas. Each Commission meets annually, alternating between Washington and the foreign capital, where discussions are held at the cabinet level.

The joint Commissions have been especially active in examining problems regarding the availabilility of business facilities and improved operating conditions in the CMEA nations. They also have been responsible for improvements in bilateral exchanges of commercial information. Foreign trade laws and regulations on both sides have been studied and explained, as have foreign investment conditions, tariff structures and domestic regulations and standards. The Commissions have, in addition, served as channels for relaying information on specific trade and investment opportunities. They have also considered questions of trade agreements, trade targets, trade promotion and industrial cooperation.

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Highlights of the activities of the various joint Commissions since the signing of the Helsinki Final Act include:

U.S.-USSR Joint Commercial Commission

-- A seminar on the organizational and legal aspects of U.S.-USSR trade, initiated under the auspices of the Joint Commission, was held in Moscow in December of 1975. The U.S. side made presentations on export controls, tariffs and customs, market disruption, Food and Drug Administration requirements, financing regulations, laws governing foreign investments in the United States, U.S. commercial law, product liability and contract problems.

-- During the fourth quarter of 1975, the Commission's Working Group of Experts instituted an exchange of information on economic, industrial and trade trends in the United States and the USSR for the first half of that year.

-- The Sixth Session of the Commission was held in Washington in June of 1977. Prospects for greater use of medium and short term credit and possible cooperation in large-scale industrial projects in the USSR were reviewed. Members considered ways to facilitate the work of businessmen and agreed to conduct regular informal meetings in Washington D.C. and Moscow. In addition, the Commission's Working Group of Experts exchanged information on plans and projections for the U.S. and Soviet economies. Both sides agreed to continue to exchange economic, commercial and trade data, and to hold two seminars on trade-related subjects.

-- The Seventh Session of the Commission, co-chaired by then U.S. Treasury Secretary Michael Blumenthal and then U.S. Commerce Secretary Juanita Kreps, met in Moscow in December of 1978. Participants reviewed implementation of the long-term Agreement of 1974, which called for economic, industrial and technical cooperation between the United States and the USSR. They also considered possible U.S.-USSR cooperative projects and discussed problems of financing and business facilitation. The Working Group of Experts discussed further exchanges of economic information and continuation of seminars on economic cooperation. At the session, then Commerce Secretary Kreps announced the approval of 73 outstanding export license requests for oil and gas production equipment.

U.S.-Polish Joint Trade Commission

-- At the October of 1975 meeting, the Polish delegation submitted a specific list of projects offering the best opportunities for joint cooperation which was subsequently disseminated to the American business community.

-- The 1976 Commission discussions held in Washington D.C. identified areas of Polish industry deemed highly suitable for industrial cooperation.

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-- Potential cooperation in third country projects was a feature of the 1978 Commission meeting. Joint bidding on power, food and wood processing projects was discussed. The American side subsequently publicized these opportunities for American business.

-- A Working Group on Industrial Cooperation was established by the Commission and it plans to meet in 1979.

-- At the conclusion of the Eighth Session of the Commission in Washington, then Commerce Secretary Kreps and Polish Vice Chairman Mieczyslaw Jagielski signed an agreement on the Participation of Small and Medium-sized Firms and Economic Organizations in Trade, Economic and Industrial Cooperation.

U.S.-Hungarian Economic Committee

-- The United States and Hungary established a Joint Economic and Commercial Commission which met for the first time in March of 1979. As in other such groups, the Commission is designed to provide a forum for the discussion of possibilities and problems in the future development of U.S.-Hungarian trade. U.S. Assistant Secretary of Commerce for Industry and Trade Frank Weil (and a member of the U.S. Helsinki Commission) and Deputy Minister of Foreign Trade Istvan Torok served as co-chairmen. Industrial cooperation, business facilitation, trade relations and agricultural trade were discussed, with the Hungarian side providing a list of areas for potential cooperation with U.S. firms.

U.S.-Romania Economic Commission

-- The Second and Third Sessions of the Joint Commission (November of 1975, November of 1976) set and reaffirmed specific trade targets for bilateral trade.

-- The 1976 Session also reviewed a study of Romanian joint venture regulations and their practical applications for interested businesses.

-- The 1979 meeting of the Joint Commission, attended by then Secretary of Commerce Kreps, explored questions of trade, industrial cooperation and business facilitation at plenary and special working group sessions. Four contracts and agreements between U.S. and Romanian firms were signed at the session totaling 35 million dollars worth of business.

Business Contacts: Trade and Economic Councils

In addition to the four joint governmental Commissions, seven private bilateral trade and economic councils have been established to assist in problems of trade development between the U.S. and the CMEA nations. These councils, which on the U.S. side are made up of leading businessmen, actively seek to improve commercial relations and contacts between the U.S. business community and that of the CMEA states. They carry

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out a broad range of activities to meet these goals, including: annual meetings of all members; smaller meetings and symposia on individual topics or specific problem areas; guidance and logistical support for individual businessmen; advice on doing business in each other's countries; assisting in contracts, negotiations and disputes settlement; supplying economic data and information on regulations and procedures; developing lists of common commercial terminology; identifying trade opportunities; researching trade-related issues; participating in exhibitions and fairs; and liaison services with the respective governments.

Edward T. Wilson and Donald J. Hasfurther of the U.S. Chamber of Commerce remarked in an article on the councils:

> "The councils are...demonstrable evidence that American business, despite other pressures and conflicting worldwide commitments, is actively interested in maintaining the dialogue with Eastern Europe -- that it wants to pursue not just specific deals but an improvement in the entire framework of commercial relations with economic systems radically different from our own."[28]

Trade and economic councils are presently in effect between the U.S. and the USSR, Czechoslovakia, Hungary, the German Democratic Republic, Poland, Bulgaria and Romania. All councils, except those with the USSR and the GDR, operate under the administrative aegis of the U.S. Chamber of Commerce, but retain autonomy in questions of policy. U.S. government agencies, principally the Department of Commerce, advise and assist the councils on request. They provide speakers for meetings, informational materials and an Honorary Director, the Secretary of Treasury for the U.S.-USSR Council. They do not, however, seek to set council policy or influence council operations. The councils, in turn, supply advice on East/West trade policy questions to both the executive and legislative branches of government.

Major undertakings and accomplishments of these councils since the signing of the Helsinki Final Act include:

U.S.-USSR Trade and Economic Council

(Established in 1973 to facilitate expansion of U.S.-USSR trade. Membership includes 250 U.S. companies and 114 Soviet organizations. U.S. Secretary of the Treasury is an honorary director).

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[28] Edward T. Wilson and Donald J. Hasfurther, "Bilateral Business Councils with East European Countries," *East European Economies Post-Helsinki: Joint Economic Committee* (GPO, Aug. 1977), p. 1346.

-- At the 1976 Annual Directors Meeting, council committee members discussed new forms of economic cooperation, sale of Soviet licenses, means of promoting tourism and expansion of financing for bilateral trade. Seminars were also held on scientific and technological subjects.

-- The Council's meeting of directors and members in Los Angeles in November of 1977 reviewed questions of trade opportunities, new forms of economic cooperation, financial aspects of U.S.-USSR trade, legal problems and the development of scientific and technological cooperation.

-- At the Council's 1978 annual Executive Committee meeting in New York, the committee discussed the future work of the Council in actively promoting Soviet-American business cooperation and developing trade and economic relations.

-- The Council held its sixth annual meeting of directors and members in Moscow in December of 1978 which Treasury Secretary Blumenthal attended. Council participants discussed technological cooperation between U.S. and Soviet organizations, financing of U.S.-USSR trade, problems of smaller U.S. companies in trading with the Soviet Union and proposed major projects involving cooperation between U.S. and Soviet organizations.

-- The Council has established offices in New York and Moscow offering a wide range of business facilitation services to its members. Services include counseling businessmen, scheduling appointments, arranging seminars, and assisting with special events and delegation visits.

Czechoslovakia-U.S. Economic Council

(Created on October 17, 1975, by an agreement between presidents of the U.S. and Czechoslovak Chambers of Commerce).

-- The first council meeting took place in Prague in mid-1976 and reviewed ways of resolving outstanding legal and structural issues restricting bilateral trade.

-- In April of 1979, a council-sponsored seminar, "Trade and Industrial Cooperation with Czechoslovakia," was held in Boston. The meeting, attended by leading Czechoslovak bankers and foreign trade officials, was designed to acquaint American business with cooperative and trade opportunities in Czechoslovakia. A meeting of the Council's Working Group on Industrial Cooperation was held following the seminar.

U.S.-Hungarian Economic Council

(Established by an agreement between the two chambers on March 14, 1975).

-- The first two council meetings focused on possibilities for industrial and technical cooperation and on procedures for improving bilateral commercial communications.

-- The Department of Commerce and the U.S. Section of the Hungarian-U.S. Economic Council assisted the Hungarian Chamber of Commerce in organizing a series of promotional seminars in November of 1977. The seminars, titled "Hungary, 1978 - Expanding Trade and Cooperative Ventures," took place in Washington, Chicago, San Francisco and New York and featured leading Hungarian government officials, bankers and business leaders. Trade opportunities with Hungary were discussed. The Commerce Department's Bureau of East-West Trade and District Offices assisted in the planning, scheduling and execution of the events.

-- In October of 1978, a council seminar titled "Trading and investing in Hungary: Opportunities Under MFN," was held in Chicago. The seminar publicized trade and investment opportunities in Hungary in light of the mutual extension of most-favored-nation tariff treatment.

U.S.-GDR Economic Council

(A 15-member Council created in June of 1977).

-- In May of 1978, the Council aided the GDR in staging the first GDR Economic Technological Congress, which was presented in New York, Chicago and Los Angeles. Economic, scientific and technological progress in the GDR and its relation to U.S.-GDR trade prospects were discussed. Presentations on various key high technology industries in the German Democratic Republic were also featured.

U.S.-Polish Economic Council

-- A May of 1976 workshop titled "Doing Business with Poland," provided 83 American firms with information from Polish authorities and East-West traders.

-- Another seminar was held in Chicago during April of 1979, co-sponsored by the U.S.-Polish Council and the Illinois State Chamber of Commerce.

U.S.-Bulgarian Economic Council

(Created by the two Chambers of Commerce on September 24, 1974).

-- The Council has held annual meetings, the last of which took place on March 5, 1979. A delegation of 16 U.S. businessmen visited Bulgaria this year under the aegis of the council and held productive meetings with Bulgarian Chief of State Zhivkov and Minister of Foreign Trade Christov.

Romania-U.S. Economic Council

(Created on December 4, 1973 by the two Chambers of Commerce).

-- Council meetings have been held annually since the first session in 1974. The bilateral Council has been able to play a central role in securing Congressional approval of the U.S.-Romanian Trade Agreement in July of 1975 and in the growth in U.S.-Romanian trade that has followed.

-- In December of 1976, the Council co-sponsored a workshop on U.S.-Romanian trade and on the problems that have arisen in the course of that trade.

Yet another indication of the U.S. business community's active interest in furthering business contacts with their counterparts in the CMEA nations is the community's effective participation in the work of the International Chamber of Comerce's (ICC) East-West Liaison Committee. The Committee is a unique multilateral forum which allows non-governmental business circles from the industrialized market and non-market economy states to meet regularly and discuss mutual problems in their trading relations. The Committee has been discussing issues such as financing, marketing, trade facilitation and industrial cooperation in East-West trade and is currently seeking ways to facilitate ICC arbitration of disputes involving firms in member states.

Trade Promotion

Since the signing of the Helsinki Final Act, the U.S. Government has been carrying out an active program of official trade promotional events ranging in scope from major commercial exhibitions, technical sales seminars, catalogue shows and seminar exhibits.

The U.S. Department of Commerce, since August of 1975, has sponsored official American participation in 36 major commercial exhibitions in every CMEA country -- many in traditional East European marketplaces such as Poznan, Plovdiv, Brno and Leipzig. Still other events were staged in Moscow, Bucharest and Budapest. These exhibits brought over 600 U.S. exhibitors to Eastern Europe, many of them for the first time. Show themes were technical and provided opportunities for new and significant contacts and exchanges of information in their respective areas.

Official American commercial events in Eastern Europe and the USSR since Helsinki have included the organization of 36 technical sales seminars, covering each country of the region. Here again, the emphasis has been on high-technology products and the promotion of commercial and technically oriented con-

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tacts between U.S. and East European industry officials. Official trade promotion efforts during the post-Helsinki period have also included 13 exhibits of American industrial and scientific catalogues. They were presented as a way of acquainting Soviet and East European ministries, purchasing organizations and enterprises with U.S. products and technology.[29]

In addition, the U.S. Government continues to operate a U.S. Commercial Office in Moscow, a Trade Development Center in Warsaw and a Business Facilitation Center in Prague to provide businessmen with on-the-spot information and assistance, technical support services, liaison assistance with government officials and facilities for staging small sales presentations. Since 1975, 33 seminar/exhibits have been held in the Commercial Office in Moscow, while nearly one hundred firms have presented their products at the Warsaw Trade Development Center. U.S. trade promotion events in Eastern Europe were attended by approximately 2,650 American firms during the period under discussion.

Additionally, as part of its domestic activities, the U.S. Department of Commerce has organized an Advisory Committee on East-West Trade, composed of leading members of the business and academic communities. It meets quarterly to advise the Commerce Department on ways to facilitate the expansion and promotion of East-West trade.

Visa Issuance

While no provision in this Basket II section speaks specifically to the question of entry visa issuance, the question does naturally arise in the "spirit" of promoting individual contacts among businessmen. Criticisms have been raised regarding U.S. visa laws and procedures which, it is alleged, discriminate against businessmen from the CMEA nations -- making it more difficult and time-consuming for them to obtain U.S. entry visas and thus impairing conditions for the expansion of individual contacts and the development of trade. Specifically, in addition to broader U.S. visa restrictions on the entry of Communist Party members, Basket II-related complaints have focused on U.S. Final Act non-compliance in refusing visas to several businessmen from CMEA countries on national security grounds and in the lengthy delays many Eastern businessmen have experienced in obtaining entry visas. (See Basket III section on U.S. visa policies for more detailed discussion of the problem).

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29. See Appendix IV, Chart 3 for a one year summary example of these various events.

In fact, several businessmen from the CMEA states -- who had previously entered the U.S. on numerous occasions -- have been denied visas on national security grounds over the past year primarily as a result of new stricter U.S. procedures recently established to review such cases. There also have been, in some instances, lengthy delays in reaching decisions on particularly difficult cases.

All countries, of course, maintain the right to refuse entry permission to individuals whose presence may damage national security interests. The occasional delays some businessmen experience may be attributed to the fact that the procedures are still new and to the fact that prudent decisions must be carefully considered. For the large majority of Eastern businessmen, U.S. visas are granted promptly and with few or no difficulties. The United States has attempted to ease that process by proposing the extension of multiple entry visas to resident businessmen from the CMEA states on a reciprocal basis (agreements have already been signed with the Soviet Union and Romania in 1977 and the GDR in 1978). The U.S. also has proposed the reciprocal abolition of restricted travel areas.

Nevertheless, for those few who must wait months for a response to their visa request or who are suddenly denied a visa when they had had no prior difficulties, U.S. visa policies may appear to delay the flow of trade and the expansion of business contacts. Under existing legislation regarding those policies, however, economic or foreign policy concerns may not be considered in making decisions on visa applicants who may pose a national security risk. The Commission therefore recommends that the appropriate bodies in Congress re-examine the relevant legal provisions (Sections 212(a) (27) and (29) of the Immigration and Nationality Act) and amend the law to allow for consideration of other criteria in decisions rendered under those provisions. The Commission also recommends that the relevant government agencies work to streamline present procedures to ensure that visa requests from applicants who may fall under Sections 27 or 29 are processed as expeditiously as possible and that applicants are informed as soon as possible of the status of their cases. (See Basket III visa section for more detailed discussion of recommendations).

Business Facilities and Working Conditions

Few, if any, other signatories of the Helsinki accords offer comparable opportunities for the favorable working conditions and facilities called for in Basket II of the Final Act. The same laws apply to firms from any foreign nation wishing to establish representation offices in the United States. Over 20 Soviet and East European-owned companies currently operate in the United States, most of them out of New York City.

Since the signing of the Final Act, the United States has acted favorably on several requests by East European commercial organizations to expand and facilitate their operations in the U.S., both in terms of personnel and scope of activity. For example, the U.S. has allowed the foreign partners of Soviet-U.S. contracting or joint venture firms, such as Belarus Machinery and the U.S.-USSR Marine Resources Company, to reside and work in the United States. The U.S. has also granted 20 other Soviet requests for long term commercial visitors. In addition, the Soviet Union was recently invited to establish a representative banking office in New York to improve mutual banking and commercial interests.

The U.S. Government has also granted approval to Hungary to establish a branch office of its New York Commercial Office in Chicago, and to open an office of the Hungarian National Bank in New York, to the GDR foreign trade organization WMW Export-Import to open a commercial office in New York, and to Bulgaria to establish a branch of its commercial office in San Francisco. Approval was given for the Romanian Bank of Foreign Trade to establish an office in New York this year. Romania also plans to apply for permission to open commercial offices in Atlanta and Houston. To date, 10 offices outside Washington have been established to promote Eastern commercial interests in the United States. In addition, because there is no tax discrimination to impede their activities, these firms and offices face the same tax laws as any other foreign office or firm. Similarly, there are no restrictions on use of telex or other normal business communication practices by these firms. As in the case of other countries, few restrictions or limits are placed on rental or purchase of office or dwelling space by these firms.

In addition to commercial offices, the United States has assented to the establishment of a number of official trade and tourist promotion offices representing the various CMEA states. Both governmental and non-governmental offices must comply with all U.S. laws and regulations, such as the Foreign Agents Registration Act. These laws are applied on a non-discriminatory basis, as are applicable state and local laws.

Economic and Commercial Information

Basket II commits the Final Act signatories to "promote the publication and dissemination of economic and commercial information at regular intervals and as quickly as possible" in order to contribute to "the continuing flow of trade and better utilization of commercial possibilities." Specifically noted in this section is the need for the dissemination of data on the national economy (production, national income, budget, consumption and productivity); foreign trade statistics and laws; information on national economic plans and forecasts; and foreign trade organizational data.

The availability of relevant, detailed and widespread economic and commercial information has always been considered by the U.S. as a cornerstone for the long-term, stable and mutually beneficial development of East-West trade. U.S. firms are accustomed to operating on the basis of easily accessible information detailing all aspects of a proposed transaction. The frequent dearth of such information in many of the signatory countries has been a problem of increasing concern to U.S. businessmen and the U.S. Government, especially since some countries, in particular the Soviet Union, have significantly reduced their output of economic data in recent months.

To help fill that information gap, the U.S. Commerce Department's Bureau of East-West Trade publishes numerous pamphlets and monthlies to assist U.S. businessmen in their Eastern transactions. The Bureau disseminates monthly trade statistics, semi-annual analyses, market surveys and annual reports on East-West trade, as well as special reports on specific topics of mutual interest. These include, since the signing of the Helsinki Final Act: country background reports, selected market surveys, analytical studies, monthly summaries of "U.S. Trade Status with Communist Countries," 13 guides in the "Overseas Business Reports" series on specific countries and on trading in the CMEA countries, a regular flow of economic trends reports intended to inform American business of commercial conditions and opportunities in these countries, and periodic publications such as "The Helsinki Final Act - A Guide for the U.S. Business Community," "Foreign Trade Organizations in the USSR" and "U.S.-USSR Trade: Selected List of Sources."

The U.S. East-West Foreign Trade Board, created as a result of the 1974 Trade Act, also publishes a quarterly report on the status of U.S. trade with non-market economies, as does the International Trade Commission in its "Report to the Congress and the East-West Foreign Trade Board on Trade Between the U.S. and Non-Market Economy Countries."

In addition, the U.S. Government publishes a vast quantity of information regarding the U.S. economy,[30] foreign trade statistics and foreign trade regulations.

Basic sources for statistical information on the U.S. economy are available to those living in the United States, as well as to foreigners, and include:

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[30] See Appendix V for examples of types of publications issued by one agency, the Department of the Treasury.

-- Survey of Current Business, published monthly by the U.S. Department of Commerce's Bureau of Economic Analysis. The Survey contains approximately 2,500 statistical series on all aspects of the U.S. economy.

-- Business Statistics, published by the U.S. Department of Commerce's Bureau of Economic Analysis. This source contains detailed notes on the statistical series found in the Survey of Current Business.

-- 1972 Census of Manufacturers, Annual Survey of Manufacturing, Current Industrial Reports, all published by the U.S. Department of Commerce's Bureau of Census.

-- U.S. Industrial Outlook for 1979, published annually by the U.S. Department of Commerce's Industry and Trade Administration. It analyzes trends in production in over 200 U.S. industries.

-- Foreign Trade of the U.S. series, published by the U.S. Department of Commerce's Census Bureau.

-- Business Conditions Digest, a monthly issue of economic indexes most useful to business forecasters and analysts.

-- Federal Reserve Bulletin, a monthly publication of the Federal Reserve System which gives monthly information on U.S. finances and capital markets.

-- Bureau of the Census Catalog, published by the U.S. Department of Commerce.

In the area of foreign trade data, the United States provides extensive trade statistics in nomenclatures which are convertible into many other classification schemes, including the Standard International Trade Classification (SITC). Monthly data to the seven-digit level on exports and imports by commodity and country are published by the Census Bureau as series FT 410 and FT 135 respectively. Detailed annual data are available in seven different publications.

U.S. foreign trade regulations are published by a variety of sources and are all publicly available; they are not, however, collected in one central publication. The sources include: the Federal Register; administrative guidelines published by federal, state and local governments; trade and professional journals; Tariff Schedule of the United States Annotated; U.S. Food and Drug Administration; National Bureau of Standards; U.S. Department of Agriculture; Internal Revenue Service; Office of Export Administration; Customs Bureau; U.S. Patent Office; and the Securities and Exchange Commission. All sources are widely available, and many are on hand at U.S. commercial libraries throughout East and West Europe.

A great deal of economic information is also gathered and distributed through the bilateral joint commercial commissions and economic councils.

The United States has pursued its goal of improving the flow of commercial information in multilateral forums as well, particularly through its efforts within the United Nation's Economic Commission for Europe (ECE). In 1977, the U.S. developed and provided the ECE Trade Committee with a comprehensive list of data needed to improve conditions for East-West trade development -- an ECE project which the U.S. initially proposed. The U.S. submission included an illustrative list of sources of U.S. statistical information on production, national income, budget, consumption, productivity, agriculture and finance, as well as foreign trade. An addendum to the ECE document provided an organizational chart of the U.S. Department of Commerce, outlining the structure of the bureaus responsible for East-West and West-West trade, and a list of widely available trade directories.

Also within the framework of the ECE, U.S. delegates to the Senior Economic Advisors and the Committee on the Development of Trade have participated in seminars designed to develop long-term forecasts for the economic growth of the ECE region in general, and specifically, long-term trade aspects of the region's development.

The U.S. has supported the ECE's mandated study of possibilities for establishing a multilateral system of notification of foreign trade laws and regulations (MUNOSYST). Unfortunately, lack of an effective definition of "laws and regulations" affecting trade has kept the U.S. from participating directly in the trial runs. The U.S. has, however, actively participated in the Conferences of European Statisticians for more than two decades, and in March of 1977, the U.S. hosted a seminar for the Chief Statisticians of the ECE member countries on statistics of the coming decade. The U.S. has strongly supported the work of the Conference, as well as the OECD and the GATT, on harmonization of statistical nomenclature and development of national statistics in important fields.

Marketing

The importance of "adapting production to the requirements of foreign markets" is highlighted in this Basket II section by calling on the signatories to encourage trade promotion efforts in the areas of marketing techniques and knowledge. Market research and advertising, establishment of a spare parts

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and supply network, after sales services and the training of technical personnel are cited among the specific areas where trade promotion efforts could be improved. Encouragement of multilateral cooperation in trade promotion, including marketing, is also specified, particularly within the ECE.

Implementation of this section is closely tied to the previous two sections, since solid knowledge of a particular market requires solid information about, and good contacts in, that market. The U.S. Government, through the Bureau of East-West Trade (BEWT), has been actively involved, since the signing of the Final Act, in organizing marketing seminars, promotional events and facilitative services to acquaint U.S. businessmen with the Eastern market and Eastern businessmen with the U.S. market.

Within the period under discussion, the Bureau of East-West Trade sponsored 14 outreach seminars in various American cities to inform U.S. companies, mainly exporters, of trade opportunities, markets and business practices in Eastern Europe. There has also been a measure of official assistance for promotional events staged by East European governments in the United States, such as "Hungary 1978" and the GDR Economic-Technological Congress.

Additionally, the U.S.-USSR Joint Commercial Commission in 1977 and 1978 sponsored two seminars on marketing in the United States and the Soviet Union respectively. The 1977 seminar, "How to Market in the USSR," was held in Washington and Chicago and was attended by approximately 250 American businessmen. The "How to Market in the United States" seminar held in Moscow during May of 1978 reviewed advertising, market research, U.S. import laws and regulations and other topics of interest to Soviet exporters. The other joint Commissions and Councils have, as well, sponsored numerous workshops and seminars relating to questions of marketing research and techniques.

BEWT also provides extensive facilitative services for U.S. businessmen who need advice or information on the markets of the CMEA states and for visiting Eastern trade mission delegations who need to arrange appointments with U.S. buyers and sellers.

Moreover, the U.S. has been very supportive of multilateral ECE projects to improve marketing knowledge. The ECE sponsors annual seminars aimed at increasing East-West trade by improving marketing knowledge, and the U.S. has been an active participant in these activities. Five such seminars have been held to promote better marketing arrangements, closer business contacts, broader business representation and a more extensive exchange of trading information. U.S. participants at the most recent seminar, held in April of 1979 in Poznan, Poland, on methods and techniques of market entry for industrial products, presented a paper on "Advertising as a Technique to Introduce New Products into the United States."

INDUSTRIAL COOPERATION AND PROJECTS OF COMMON INTEREST

The Final Act explicitly encourages the participating CSCE states to facilitate and further all forms of industrial cooperation arrangements, as they are deemed instrumental in strengthening economic cooperation, expanding international trade and contributing to economic growth. Such encouragement should include: the conclusion of bilateral and multilateral agreements; the provision of necessary information, such as full project details, economic plans and technical-economic data; and the improvement of conditions for and contacts among partners in industrial cooperation projects. The facilitation of a special subset of arrangements, "projects of common interest," is specifically noted in the areas of energy and transportation.

Industrial Cooperation

While the U.S. Government has generally supported long-term industrial cooperation and viewed it as a useful means of expanding trade, it has also stressed that industrial cooperation must have a valid economic/commercial basis and must be treated as only one of several types of economic interchange.

Although the United States, because of its economic/legal system and business/government relationship, cannot commit its firms to undertake specific industrial cooperation arrangements, considerable progress has been made in compliance with those portions of the Final Act which call for encouraging East-West industrial cooperation projects. Recognizing the essentially private nature of industrial cooperation arrangements and bearing in mind that such transactions must be commercially justifiable, the U.S. Government has, since Helsinki, taken a number of steps to make American firms more aware of business cooperation opportunities in the CMEA nations. These have included: concluding intergovernmental agreements, assisting the joint commissions and councils, and publishing business guides. Over the past few years, more than 30 industrial cooperation arrangements have been negotiated between American companies and their CMEA partners.[31]

Detailed below are a sampling of the programs the U.S. Government has undertaken to create a positive framework for these investments and to provide assistance for businessmen contemplating industrial cooperation arrangements in the CMEA states:

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[31] A table describing a representative sampling of these arrangements is in Appendix VI, Chart 1.

Intergovernmental Agreements

The U.S. has concluded several bilateral agreements designed to facilitate and encourage industrial cooperation.

In November of 1976 the U.S. and Romanian governments signed a 10-year, Long-Term Agreement on Economic, Industrial and Technical Cooperation. This Agreement provides an extended framework for developing economic and industrial cooperation activities. It formalizes and sets forth the rules of the game for the U.S. business community and provides protection against both expropriation and impairment of contractual rights. An annex to the Agreement is designed to facilitate the establishment of U.S.-Romanian joint ventures and other forms of business cooperation.

The U.S. also signed a Small Business Agreement in November of 1978 with Poland which provides the framework for addressing problems experienced by small and medium sized companies wishing to engage in bilateral trade. This Agreement, which was signed at a meeting of the joint American-Polish Trade Commission, is specifically designed to promote and ease cooperation between small and medium sized firms in both countries.

The U.S.-Hungarian Trade Agreement of 1978, in addition to extending most-favored-nation treatment to Hungary, contains features which improve business and other conditions for U.S. firms cooperating with Hungarian enterprises.

A significant forum for the expansion of industrial cooperation between the U.S. and Soviet Union was provided by the U.S.-USSR Long-Term Agreement for Economic, Industrial and Technical Cooperation signed in June of 1974. Since Helsinki, annual meetings of experts have been held to exchange economic data and forecasts in areas which have included industry, foreign trade, and agriculture. In addition, specialized seminars have examined specific aspects of U.S.-Soviet economic cooperation. In December of 1975, the "Joint Seminar on the Organizational and Legal Aspects of U.S.-USSR Trade" was held under Article III of the Long Term Agreement. Both delegations presented and analyzed industrial cooperation, credit and finance, and other questions related to common ventures. In 1977 and again in 1978, two seminars on marketing in the U.S. and the USSR were held under the aegis of the Long-Term Agreement.

The U.S. has also concluded, since Helsinki, double taxation treaties with Hungary and Poland. These agreements are generally considered to have improved the investment climate for prospective U.S. partners in industrial cooperation arrangements.

Commission and Councils

The official joint commissions between the U.S. and four East European nations have also been instrumental in promoting conditions for industrial cooperation, primarily by serving as a clearinghouse for information on industrial cooperation projects. The Soviet and Polish Commissions, for example, have prepared specific lists of potentially fruitful sectors for industrial cooperation projects which the U.S. Department of Commerce received and subsequently publicized and disseminated among the American business community. The U.S.-Polish Commission has discussed possible cooperation in third countries and has established a special working group on industrial cooperation. The Commissions have also provided a forum for detailed discussions of projects already negotiated (U.S.-USSR) and of regulations and conditions for joint ventures in respective countries (U.S.-Romania). Government-to-government arrangements which facilitate cooperation have been another important item on the agenda of most of the Commissions.

The quasi-official business councils have played an added role in furthering the goal of increased industrial cooperation. Discussions of extended cooperation efforts have, in various ways, become a regular feature of the U.S.-USSR Council session. Seminars on industrial cooperation prospects in Czechoslovakia, Poland and Hungary have been organized within the framework of the Councils and the Czechoslovakia-U.S. Economic Council has formed a working group on industrial cooperation.

U.S. Government Publications

The U.S. Department of Commerce, since the signing of the Final Act, has published several studies concerning East-West industrial cooperation, including:

-- "Joint Venture Agreements in Romania," a 97-page comprehensive study and practical guide for American businessmen contemplating joint ventures with Romanian enterprises.

-- "American-Soviet Trade," an 118-page compendium of the presentation made at the "Joint Seminar on Organizational and Legal Aspects of U.S.-USSR Trade."

-- "East-West Counter-trade Practices," a general guide for U.S. businessmen considering counter-trade arrangements in Eastern Europe.

-- "East-West Trade Financing," a 25-page introductory guide.

-- "Working On-site in Eastern Europe and the Soviet Union," a 29-page guide for those companies planning to send resident businessmen to the USSR and Eastern Europe.

Within the multilateral ECE forum, U.S. participants have encouraged the various studies the ECE Secretariat has undertaken concerning the "Promotion of Trade Through Industrial Cooperation." At a recent ECE Trade Committee meeting, the U.S. delegate proposed a further large-scale study, presently being written, of current counter-trade policies and practices in ECE member states.

Projects of Common Interest

Although some projects of common interest to the United States and the Eastern countries are progressing in various stages of implementation or negotiation, activity in these areas since August of 1975 appears to be on a downward trend.

The past four years have not seen economic conditions in either the Eastern countries or the U.S. which have been particularly favorable for undertaking such projects. Political factors have also affected both the trading atmosphere and the possibilities for increased government-backed credits. The U.S. Government has continued, however, to support existing cooperation projects and to lend assistance to U.S. companies where appropriate and useful.

Specific Projects

As the Final Act suggests, most of the projects of common interest concluded between U.S. firms and the CMEA signatory states have been in the areas of energy resources and transportation. As some examples of these projects, A.I.L., a subsidiary of Cutler-Hammer, is installing a complete air traffic control system covering the three major cities in Bulgaria and has provided a smaller one for the Prague area in Czechoslovakia.

Island Creek Coal Company, a subsidiary of Occidental Petroleum Corporation, has concluded a long-term purchase agreement with the government of Romania for the supply of up to 27.3 million tons of high-grade metallurgical coal over the next 40 years. The coal, which will be supplied to the Romanians by Island Creek from a mine now under development in western Virginia, is valued at 840 million dollars and will be used to supply Romania's expanding steel industry. First deliveries are expected at the end of 1979. The new mine's total output is estimated at between 43 and 50 million tons, 14 million tons of which the Romanians are buying at cost and on which Romania is making an advance payment of 5.3 million dollars. The Romanians also have an option to buy an additional 13.3 million tons, with the remainder of the coal to be sold by Island Creek.

American firms have discussed a number of major projects of common interest with the Soviet Union. Only two major compensation projects, however, are in progress at the present time and both of these pre-date Helsinki: Occidental Petroleum fertilizer agreement under which two-way shipments of fertilizers would begin shortly and the Yakutsk liquefied natural gas project for which reserves are currently being confirmed in the USSR.

In 1973, Occidental Petroleum Corporation and the Soviet Union signed a general agreement which provided for the establishment of a complex in the USSR for production of ammonia and urea. The agreement also called for long-term purchases by Occidental of Soviet ammonia, urea and potash, and for long-term exports by Occidental to the USSR of superphosphoric acid. A 180 million dollar Eximbank loan was obtained in support of the sale of the two ammonia plants, which were constructed in the USSR by Chemical Construction Corporation. The two-way shipments of fertilizer may amount to as much as 20 billion dollars over a 20-year period, with the first deliveries already completed.

Since 1972, a consortia of American firms have been discussing two large liquefied natural gas (LNG) projects with the Soviet Union. Each project would involve development of natural gas resources in the USSR and shipment of LNG to the United States, thus requiring Federal Power Commission approval. The USSR is currently confirming gas reserves for the Yakutsk LNG project, a Soviet-Japanese-American undertaking; the three parties are carrying out on-going discussions concerning the development phase of the project to determine its feasibility. The North Star LNG project is currently in abeyance, but there is some chance that it might be included in future Soviet economic development plans. Also postponed is a plan to develop the large reserves of copper ore at Udokan.

Projects of common interest in the fields of electrical generation and transmission and in surface transportation offer great potential for the nearby states of Western Europe, but U.S. officials are unaware of any major new initiatives in these fields since Helsinki.

PROVISIONS CONCERNING TRADE AND INDUSTRIAL COOPERATION

This section of Basket II concerns the more technical aspects of international trade and recommends that the 35 signatory states take steps to encourage: (1) international cooperation in the harmonization of standards and regulations; (2) the inclusion of arbitration clauses in contracts and agreements; and (3) the conclusion of specific bilateral arrangements concerning specific mutual trade problems.

Harmonization of Standards

Since 1970, the U.S. has participated in ECE-initiated meetings of Government Officials Responsible for Standardization

Policies. These biennial meetings and intersessional experts' meetings are aimed at promoting the use of international standards and harmonization of national standards. As a result of these meetings, lists have been developed of products which should receive priority treatment from international standard-writing organizations. In addition, rosters of central government bodies having authority to prescribe mandatory regulations governing quality, performance, safety, dimensions, and other characteristics of various products have been compiled. The Fifth Meeting of Government Officials Responsible for Standardization Policies, held June 9-13, 1978, adopted a new and expanded program of work toward harmonizing of standards.

The United States has also consistently supported efforts to negotiate an international standards code in the Multilateral Trade Negotiations conducted under the auspices of GATT.

Specific Bilateral Arrangements

The U.S. Government has concluded numerous bilateral agreements with the various signatory states on a variety of trade-related issues, the bulk of which are reviewed throughout this Basket II section. The provisions of this specific section refer, however, to agreements in the areas of double taxation and the transfer of profits and return of invested assets. Double taxation agreements have, in fact, been concluded with Poland in 1979 and with Hungary in 1978. Previous agreements with Romania and the Soviet Union, both signed in 1973, are still in effect for the period since August of 1975. As to bilateral arrangements regarding the transfer of profits and the return of assets, both the 1975 U.S.-Romanian Trade Agreement and the 1978 U.S.-Hungarian Agreement in Trade Regulations contain provisions regarding these questions, as does the U.S.-Romanian Long-Term Agreement in Economic, Industrial and Technological Cooperation.

SCIENCE AND TECHNOLOGY

Highlighting the important contribution that cooperation in the fields of science and technology can make "to the strengthening of security and cooperation among" states, Basket II of the Final Act details the forms, methods and fields of cooperative efforts that should be expanded. While recognizing that potential partners must themselves determine the feasibility of specific cooperative projects, the Final Act also outlines the kinds of measures governments and organizations should take to facilitate such cooperation. These measures include: the improvement of opportunities for information exchanges, the expansion of organizational structures such as conferences and visits, the wider use of commercial channels for research, and the utilization of bilateral and multilateral agreements and organizations to further the aforementioned aims. Fourteen areas are specifically mentioned as examples of subjects which could be fruitfully explored through expanded cooperative projects in order to assist in "the effective solution of problems of common interest and the improvement of the conditions of human life."

As a country with a large and active community of scientists, the United States has always maintained a particular interest in expanding international scientific and technological cooperation and has sought to increase the scope of international activity and direct contacts among the world scientific establishment. As a result, a considerable number of positive steps have been taken by the United States within these specific fields and methods of cooperation. For example, there are at present over 60 scientific and technical agreements in effect between the United States and the countries of Eastern Europe and the Soviet Union, many of which were negotiated after the signing of the Final Act. Activities encouraged under those agreements signed before Helsinki have, in many cases, increased in frequency, quality, and scope over the past four years. As one example, over twice as many Soviet and American scientists participated in exchange programs under the auspices of the eleven scientific and technical agreements signed with the Soviet Union from 1975 through 1978 as participated from 1972 through 1974. Close to 10,000 Soviet and American scientists have participated in the six years that these agreements have been in effect and about 300 cooperative projects have been operating annually. Similar advances have taken place in official bilateral exchanges with certain of the East European states. There has also been a corresponding increase in the work of and U.S. participation in multilateral facilitation of scientific exchanges and cooperative research, particularly within the ECE.

Much of this increase would have taken place had there been no Final Act since the U.S. Government recognizes that in today's world mutually shared problems require mutually shared solutions. The Final Act has, however, provided a detailed framework and added impetus for overcoming many of the obstacles which may hamper cooperative efforts in these areas.

Fields of Cooperation

Individual departments within the U.S. Government have been involved in the funding and organization, in their respective areas of expertise, of the 14 technical fields ennumerated in the Final Act. The following is a summary of some of these initiatives in selected areas. It is by no means a comprehensive listing of all the activities initiated by the U.S. public and private sectors, but it highlights the major government-to-government and noteworthy private activities which have taken

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place between the U.S. and the signatory states of the East as well as the most important multilateral activities in which the U.S. Government has been involved.[32]

Agriculture

Joint cooperative projects in the field of agriculture should, as suggested in the Final Act, be encouraged in the specific areas of improving the productivity of crop cultivation, the application of chemistry to agriculture, the design and use of agricultural machinery, and the technologies of irrigation. These and other topics have formed the specifics of U.S. cooperative agricultural arrangements initiated with all the countries of Eastern Europe and the Soviet Union, and negotiated and implemented by the U.S. Department of Agriculture.

Bilateral Cooperation

Bulgaria

In April of 1979, the U.S. Department of Agriculture initiated an agency-to-agency Joint Statement on Development of Agricultural Trade with its counterpart body in Bulgaria. Prior to the signing, the Department of Agriculture participated in Joint Council meetings in both countries and hosted several official visits to farms and agro-business industries in the United States. The Department also participates in those joint agricultural activities called for in the science, educational and technological agreements between the two governments.

The Joint Statement on Development of Agricultural Trade is expected to facilitate cooperation and expansion of commercial agricultural relations and research in the areas called for in the Final Act. These include the exchange of germ plasm and breeding materials, exchanges of agricultural specialists and trainees, and the exchange of agricultural and statistical information. Team exchanges will be expanded under this new mechanism, as will the development of joint projects.

Czechoslovakia

There is no official government-to-government protocol on scientific cooperation with Czechoslovakia. However, initiatives to explore technology exchanges have been taken recently by representatives of the agricultural community. In April-May of 1978, a U.S. market development team (cooperators) visited Czechoslovakia and held discussions with the Minister of Agriculture. The team expressed an interest in dairy improvement programs, soybean meal and corn imports, organization of livestock production seminars, and exchanges of scientists and students from respective universities and institutions.

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[32] A Summary of U.S. Cooperative Activities in Science and Technology appears in Appendix VI, Chart 2.

In the summer of 1978, the U.S. side also proposed holding seminars on livestock breeding and feeding with the participation of several U.S.-FAS cooperators in Czechoslovakia. The seminars were held in June of 1979.

Activity continued in the fall of 1978 when the U.S. National Renderers Association visited Prague to discuss and review possible exchange proposals. The U.S. Feed Grain Council has expressed a continued interest in lending its technical expertise for projects of mutual concern.

GDR

Agreements between U.S. bodies and the GDR in science and technology include an exchange agreement between the International Research and Exchanges Board (IREX) and the GDR National Academy of Sciences and one between the U.S. National Academy of Sciences and the same GDR body. The agreements provide for the exchange of U.S. and GDR scientists and scholars to lecture and conduct seminars and research. Among other technical exchanges was a highly successful seminar conducted by U.S. Department of Agricultural -- affiliated cooperator organizations at the GDR's "AGRA" agricultural demonstration fair near Leipzig in June of 1979.

Hungary

In 1976, Hungary and the U.S. first exchanged letters on the initiation of agricultural cooperation between the two countries.

Subsequently, an Agreement on Cooperation in Culture, Education, Science and Technology was signed in April of 1977. The agreement was created to facilitate exchanges and cooperation in the fields of art, culture, education, the humanities, literature, social sciences, and pure and applied sciences by encouraging the relevant agencies and institutions of the two countries to establish direct contacts with each other. As a result of the agreement, exchanges of agricultural scientists were initiated -- the first of which the U.S. side hosted in 1977.

The USDA and the Hungarian Ministry of Food and Agriculture also began direct negotiations at the initiative of the Hungarians. As a result, a Joint Statement on the Development of Agricultural Trade and Cooperation was signed in May of 1979. The Statement calls for the mutual promotion of trade, information exchanges and cooperation in agricultural science, technology and education.

Existing independently of this arrangement is an agreement with the 4-H Youth Program to develop exchanges between the two sides. Additionally, there have been technical exchanges and seminars between USDA Cooperators and the Hungarian Ministry of Agriculture.

In July of 1978, the U.S.-Hungarian Trade Agreement entered into force. As part of the agreement, a Working Group on Agricultural Trade was formed and met for the first time in Budapest in March of 1979.

Poland

The U.S. has been involved in a long, mutually advantageous, active research program with Poland for over a decade. Topics of cooperation have included plant science studies, insecticides and soils, nitrogen fixation, entimology and forestry.

From 1960 until 1974 cooperation was based on a special Foreign Currency Research Program, i.e. research was funded by excess U.S.-owned Polish currency resulting from the sales of U.S. agricultural commodities in Poland.

In 1974, on the basis of the U.S.-Polish Agreement on Funding Cooperation in Science and Technology, a joint fund was set up to support further cooperative activities, to which each side contributed approximately 558 million zlotys (approximately 30 million dollars). A U.S.-Polish Joint Board was formed to administer the program. The Board meets annually and held its most recent meeting in April of 1979 in Warsaw.

As of September 30, 1978, USDA was working on 62 active research projects in Poland which cost 9,828,946 dollars. Out of this number, 30 are Joint Board projects approved since 1974. In addition, USDA has obligated funds for seven additional proposals totaling 753,337 dollars which are pending approval by the U.S.-Polish Joint Board. An additional 36 research proposals totaling approximately five million dollars are being revised, negotiated or prepared. It is anticipated that these can be funded during Fiscal Year 1979 and Fiscal Year 1980 by the Joint Board utilizing the remaining Polish-owned zlotys.

A total of 35 Polish scientists participated from 1974-1978 in the Foreign Research Associate Program of the Science and Education Administration (SEA) of the Department of Agriculture. The program allows foreign scientists to participate in on-going research work and to use the facilities of SEA at no cost if their other expenses are covered by a sponsor.

There has been an active exchange of young agricultural experts and specialists within the framework of the 4-H Youth Program. This program allows participants to observe and study the practical application of agricultural technology and to promote cross-cultural understanding between the people of the U.S. and Poland. Since 1975 approximately 400 young people have participated in the program.

Initiatives have also been taken to facilitate direct agricultural contacts between U.S. and Polish universities. In 1976, for example, Iowa State University and the Warsaw Agricultural University established a faculty exchange program.

In addition, a Joint Statement on the Development of Agricultural Trade, signed in October of 1974 with Poland, is still in effect. The Statement calls for the formation of a Working Group on Agricultural Trade which meets no less than once a year. The last Working Group meeting took place in Warsaw in May of 1979. Among the Group's activities are exchanges of economic information, consultations on the state of agricultural trade and credit facilities, and problems of scientific technical cooperation. Technical exchanges and joint agricultural trade promotion projects have also increased since the Statement was signed.

Romania

Agricultural cooperation with Romania was somewhat limited in 1975-76 but accelerated with the signing of the Protocols on Development of Agricultural Trade and Cooperation in Agriculture between the U.S. Department of Agriculture and the Ministry of Agriculture and Food Industry of Romania. The Protocols provide for the exchange of agricultural economic information on a regular basis, including stocks and forward estimates on supply and demand and trade in major agricultural commodities; cooperation on the basis of mutual advantage in the fields of plant, animal and soil sciences and mechanization, including exchanges of germ plasm; and cooperation in methods for the application of agricultural chemicals and use of mathematical models in agriculture. The Protocols also call for facilitating direct contacts between governmental organizations, research institutes, universities, firms, enterprises, and individuals, as well as of the exchange of material and information and the organization of symposia and conferences.

There have been some problems with Romania's implementation of the Protocol in the area of information exchange, but progress was made in 1978, and a U.S. request for expanding available data is being considered.

University exchange programs were initiated at the end of 1976 between the Romanian Academy of Agriculture and Forestry Sciences and Iowa State University and the University of

Nebraska. Based on two, two-year Memoranda of Understanding, exchanges have taken place in the areas of plant breeding, animal science and swine research. In 1977, one Romanian participated in the Iowa University program and in 1978, two specialists from each side took part in the Nebraska exchange. Other U.S. universities have, in the meantime, expressed an interest in arranging similar exchanges.

An active and successful farm training program has been in effect since 1972 under the sponsorship of the International Farmer Association for Education in Berkeley, California. The program offers participants direct farm experience, university instruction and opportunities to meet with specialists from universities, experiment stations and extension services. From 1972-1977, 225 Romanian farm specialists participated in the program; in 1978, 59 Romanian specialists took part; and recently, the Romanians have indicated that they would like to increase the program to 60-70 specialists annually.

The Future Farmers of America have also started an exploratory exchange of experts on vocational education in agriculture with the Romanian Ministry of Agriculture. In addition, the International Research Exchange Board (IREX) provides assistance to Romanian scientists for three-month agricultural programs, and the Fulbright-Hays scholarships offer annual grants to four Romanian agricultural scientists for three-month studies in the U.S.

USSR

Cooperative agricultural ventures between the United States and the Soviet Union have been notably facilitated by the Agreement on Cooperation in Agriculture, signed by representatives of both governments, in Washington on June 19, 1973, and extended in June of 1978 for an additional five years. Under the terms of the Agreement, a Joint Committee was formed and split into one Joint Working Group on Agricultural Research and Technological Development and one on Agricultural Economic Research and Information. Cooperation has included the exchange of scientific information, publications and scientists, and the organization of joint research projects, seminars and symposia.

Joint Working group on Agricultural Research and Technological Development: 1973-1978

Plant Science

Considerable exchanges of seed samples and agricultural plants have been carried out during this period. From 1974-1977, both sides introduced over 5,000 samples of plants which will be used for developing new varieties and should be of great interest for genetic, biochemical phytopathological research. Positive results were also achieved in work on problems of genetic engineering, grain quality, immunity, and winter hardiness of cereals. Wide-ranging cooperation took place in the fields of breeding and the growing of soybean and sunflowers.

In 1978, the U.S. received five Soviet teams and the U.S. sent two delegations to study recent achievements in molecular biology, genetics and methods of breeding, and cotton pest and disease control. During the first five years of the Agreement, 2,029 Soviet publications on introduction of agricultural plants were sent to the U.S. and 1,534 pieces of American literature were sent to the USSR.

Soil Science

Effective bilateral programs have been implemented in the areas of the theory and control of wind erosion of soil; the study of water, gas and salt movements in soil; the utilization of saline soils, and mathematical models for predicting wind erosion.

A delegation of Soviet scientists was sent to the U.S. in 1979 to discuss their research results, to exchange data, and to participate in the American Soil Science Society Meeting at Fort Collins, Colorado. Both sides agreed to convene a symposium in Leningrad in 1980 on heat exchange in soil.

Animal and Veterinary Services

Cooperation has taken place in the fields of animal husbandry, veterinary sciences and animal waste utilization on large farms. The program has been developing satisfactory, and the exchange of publications has generally been more complete than in the past.

Mechanization

Numerous teams have been exchanged as part of a joint program for the development of mutually acceptable standards and methods of testing of agricultural machinery. Soviet "study of experience" teams were sent to the United States to study the management of agricultural science, the mechanization of apples, technical servicing of machines and tractors, and water erosion control; U.S. teams were sent to the Soviet Union to study sheep breeding, management of agricultural science, and the technology of growing sugarbeets.

Joint Working Group on Agricultural Economic Research and Information: 1973-1978

Only limited progress has been made in the area of joint research and the exchange of economic and statistical information: data exchanges on agricultural production in the U.S. and USSR and the inter-library book exchange were expanded and cooperative programs were reviewed and implemented in four project areas.

Agribusiness Project

This project is the most active of the four, focusing on the major directions and organizational schemes of agro-industrial integration. Both sides have agreed to hold a seminar on the topic in the Soviet Union in 1980. In addition, a Protocol on Scientific and Technological Cooperation in the Field of Application of Computers to Agriculture was signed in March of 1978.

Forecasting Project

Soviet delegations have been able, under this project, to study U.S. methods of forecasting production and demand of agricultural commodities and the organization of the Statistical Report Service.

Agricultural Economic Information Exchange Project

This project has led to the promotion of a a systematic exchange of agricultural economic and statistical materials and has encouraged periodic discussions on the outlook for agricultural production and trade, livestock and feed utilization. U.S. teams have been studying crop production, storage, processing and livestock and feed utilization, while Soviet teams have been interested in capital investment and in location and specialization of agricultural production.

In 1978, both sides expressed their satisfaction with the exchange of scheduled data; however, the U.S. side noted that additional requests were not met in full and expressed the desire to improve and expand the exchange of information by including forward estimates of production and trade of agricultural commodities.

Inter-Library Exchange

The exchange of books under this project has doubled since 1973. In 1978, a total of 276 titles (1,160 pieces) were received by the U.S., and the USSR received 1,670 pieces of USDA and non-USDA publications.

Forestry Activities

The USDA has, in addition, participated in several forestry exchanges under the Environmental Protection Agreement, and

Forestry Activities

The USDA has, in addition, participated in several forestry exchanges under the Environmental Protection Agreement, and the Agreement for Cooperation in the Fields of Science and Technology. Under the forestry working group of the latter agreement, five active projects are pending in the fields of fire, insect and diseases, biogeocenosis, harvesting, and reforestation. Under the Environmental Protection Agreement, USDA Forest Service scientists have participated in projects on biosphere reserves, on the interactions between forests, plants and pollution, and on the structure, function, and productivity of the taiga and tundra ecosystems.

Multilateral Cooperation

Cooperation between private and agricultural trade associations of the U.S. and respective Soviet organizations has also expanded during this period. Groups of young experts have been exchanged under the 4-H Council Program in order to gain scientific and practical experience in both countries. Between 1974 and 1977, approximately 500 scientists and specialists participated in these exchanges under an agreement of cooperation.

International Institute for Applied Systems Analysis (IIASA), Austria

IIASA, a non-governmental, multi-disciplinary international research institution, was founded in October of 1972 by the academies of sciences and equivalent scientific organizations of 12 nations from both East and West. Its goal is to bring together scientists from around the world to work on scientific and technological problems of common interest.

USDA's Economics, Statistics and Cooperative Service (ESCS) has developed close liaison and expanding cooperative relations with IIASA. Both groups share similar interests in global modeling activities and economists from ESCS have visited IIASA on several occasions to exchange information and technical advice.

Organization for Economic Cooperation and Development (OECD)

In May of 1978, ESCS analysts participated in the OECD's agricultural subcommittee meeting which reviewed the development of indicators of rural social and economic well-being.

Energy, New Technologies, Rational Use of Resources

The importance of cooperation in the field of energy is underscored in several Basket II provisions which place particular importance on cooperation in research for new sources of energy and new technologies to reduce energy consumption.

The United States Government, through the Department of Energy (DOE), has actively pursued the furtherance of these goals in the energy-related activities of the U.N. Economic Commission for Europe (ECE) and through separate bilateral agreements on energy cooperation with both Poland and the Soviet Union.

Bilateral Cooperation

Poland

Energy cooperation with Poland takes place under a 1974 Coal Research Agreement with the U.S. Bureau of Mines. The general areas of cooperation covered by the agreement and, following its creation, with the U.S. Department of Energy (DOE), includes: coal extraction and utilization, including coal liquefication and gasification; automated longwall mining; coking methods; and magnetohydrodynamics. The Coal Research Agreement has lead to specific cooperative projects in coal-related research, the costs of which are shared equally by the two partners (total U.S. funding has amounted to 10 million dollars in excess Polish currency).

One important project under these agreements is the "Coal Combustion and Gasification for Magnethydrodynamics Method of Power Generation." The original thrust of this project was to use the exhaust gases from a MHD (magnetohydrodynamics) generator for the chemical regeneration of coals, but efforts have since focused on joint coal combustor development while continuing, but de-emphasizing, coal gasification activities.

During President Carter's December of 1977 visit to Poland, Secretary of State Cyrus Vance and Polish Foreign Minister Emil Wojtaszek agreed to conduct a high-level review of the 1974 Agreement to explore possibilities of expanding the joint studies covered under it. Follow up discussions took place in March of 1978 between the Deputy Minister of the Polish Ministry of Mining, Dr. Glanowski, and DOE officials. The U.S. expressed its concern that it had not yet received certain information called for under the existing Agreement. U.S. officials noted that, while the U.S. maintained a strong interest in pending cooperative arrangements, any proposed future activities would have to prove beneficial to the technical programs of both countries.

USSR

Energy cooperation with the USSR is governed by two government-to-government agreements, one outlining cooperative efforts in the field of energy, and the other involving atomic energy cooperation:

a. U.S.-USSR Agreement on Cooperation in the Field of Energy

The U.S.-USSR Agreement on Energy, signed by then President Nixon and Presidium Chairman Podgorny on June 28, 1974, remained in force until June of 1979, when it was renewed for another three years plus two more if neither side notifies the other 30 days before June of 1982 that it does not wish the Agreement to continue.

The main objectives of the Agreement are to use the scientific and technical potential of the United States and the Soviet Union to accelerate, by cooperative efforts, research and development in the areas of existing and alternative sources of energy as well as to increase effectiveness in the use of energy and its conservation, and to achieve a better mutual understanding of each country's national energy programs and outlook.

There are currently 14 joint projects under the Energy Agreement, most of which involve periodic meetings and exchanges of information and statistics. The Department of Energy has lead responsibility for 10 of them. They include Heat Rejection Systems; Oil Technology; Gas Technology; Coal Technology; Solar Technology; Geothermal Technology; Energy Information and Forecasting; MHD (Magnetohydro-dynamics, a process involving the direct generation of electricity from combustion -- a field in which the Soviet Union is highly advanced; Superconducting Transmission; and Ultra-High Voltage Transmission.

The Tennessee Valley Authority (TVA) has lead responsibility for three projects. They include Thermal Power Stations; Electric Power Stations; and Air Pollution Reduction.

The Department of Interior has lead responsibility for the Hydropower project and the Army Corps of Engineers has lead responsibility for the Hydropower sub-project on Cold Weather Construction Techniques.

b. U.S.-USSR Agreement on Cooperation in the Peaceful Uses of Atomic Energy.

This bilateral Agreement on Atomic Energy was signed by President Nixon and General Secretary Brezhnev on June 21, 1973, for a period of 10 years. It provides for cooperation in three major areas: Controlled Thermonuclear Fusion, Fast Breeder Reactors and Research in Fundamental Properties of Matter. Working Groups have been established in each of these areas. Cooperative efforts in the areas of nuclear spent fuel storage, thermionic energy conversion and light water reactor safety are just getting under way.

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Multilateral Cooperation

Recognizing the increasing importance of the energy problem in today's world and the fact that its member nations consume close to 80 percent of the world's energy supply, the U.N. Economic Commission for Europe has been devoting an increasing proportion of its time and resources to the problems of energy supply, demand and cooperation. The U.S. has been an active participant in these discussions which have taken place largely within the three energy-related bodies of the ECE.

Coal Committee

The Coal Committee concentrates on studies of the future role of coal and methods of increasing current coal production and utilization. The U.S. has participated in the activities of the Annual Coal Committee, and the group of Experts on Coal Statistics and Coal Trade. In addition, DOE's staff has participated in study tours of the coal operations in several ECE countries, including a study tour of Coal Facilities in the FRG in September of 1978. The DOE assists in providing statistics published by the U.N./ECE and is currently recommending the computerization of the coal statistics data base to expedite publication of these reports.

In addition to scheduled meetings of the Coal Committee and its group of experts, the Committee has initiated a number of specialized seminars and symposia on specific topics to encourage a discussion among ECE countries on coal-related technology and information. The Symposium on Coal Liquefaction and Gasification met on April 23, 1979, in Katowice, Poland, to which the U.S. provided a rapporteur for one of the specialized sessions and a number of technical papers on coal gasification technology.

Gas Committee

The Gas Committee was established in 1963 to analyze the natural gas market situation, its long-term trends and the potential problems involved in integrating the flow of natural gas within the current energy system. The Committee's world program includes an economic analysis of the gas situation and its short and long-term prospects; the economic and technological aspects of the use of gas by various branches of industry; and the transport, storage and environmental aspects of gas consumption.

Electric Power Committee

The Committee on Electric Power was established in 1947 to eliminate power shortages and bottlenecks in the generation and transmission of electricity and to publish a periodical report on electric power statistics. The current focus of the Electric Power Committee is the effective utilization of electric power through the interconnection of national power systems and the reduction of problems associated with the interchange of electricity within different power systems. The U.S. continues to follow with interest the activities of this Power Committee. Although currently financial constraints preclude participation in the Committee,s activities, it is anticipated that the U.S. will become more intensively involved in the near future.

Transport Technology

(See the Development of Transport Section for a detailed discussion of cooperative efforts in the field of transportation).

Physics and Chemistry

Cooperative research projects in specific areas of physics and chemistry are also called for in the Final Act; those areas include high energy and nuclear physics, electrochemistry and the chemistry of polymers, and the practical application of chemistry to differing economic sectors.

Several agreements, all signed prior to the Final Act but mandating programs which are continuing through the period under discussion, have been negotiated by the United States to encourage greater scientific cooperation in these specific areas. With Hungary, for example, an Agreement on Cooperation in Culture, Education, Science and Technology mandates that the U.S. and Hungarian governments encourage exchanges and joint activities in the fields of pure and applied sciences. Current joint programs include subjects such as ion-implantation in semi-conductors, cationic copolymerization and Mosbauer spectroscopy of passive films.

A similar Agreement, signed in 1974, is in force between the U.S. and Romanian governments and has led to projects in areas such as the transformation of carotenoids and atomic and molecular physics.

Under the U.S.-Polish Agreement on Funding of Cooperation in Science and Technology, cooperative projects have been approved by the Agreement's Joint Board in areas which include reactions of carbonions, crystallization of polymers, mathematical physics, ribonucleic acids and the study of close binary systems.

U.S. scientific cooperation with the USSR takes place under the bilateral Agreement on Scientific and Technical Cooperation, renewed in July of 1977, for an additional five years. Two working groups formed as a result of the Agreement, one to encourage research in chemical catalysis and the other in physics, have been developing programs for numerous specific projects.

Meteorology and Hydrology

Cooperative research in the areas of hydrology and meteorology, particularly in the collection of data and their use for weather and hydrology forecasting, is another example contained in this section of the types of joint projects the CSCE states should be encouraging.

Most international cooperative work in these fields is taking place within various multilateral forums. Nevertheless, the United States is also actively involved in bilateral research projects in these areas, principally with the Soviet Union. The Working Group on Water Resources, one of several groups formed under the U.S/USSR Agreement for Cooperation in the Fields of Science and Technology, signed in 1972 and renewed in 1977, has been working on projects which include plastics in hydrotechnical construction, planning utilization and management of water resources and methods and means of automation and remote control in water resource systems.

Under the U.S.-USSR Environmental Protection Agreement, one working group devotes its efforts to questions concerning the influence of environmental changes on climate. This group has arranged for numerous exchanges of scientists, meetings and symposia, data exchanges and the intercalibration of environmental monitoring instruments.

Oceanography

Basket II encourages the participating states to promote cooperation in oceanographic research, particularly the study of air/sea interactions. In keeping with that commitment, the United States is participating in several multilateral oceanographic programs, in addition to five bilateral programs initiated with the Soviet Union, Poland and the German Democratic Republic.

Bilateral Cooperation

USSR

Three major programs form the basis of U.S./USSR cooperative efforts in the area of oceanographic research. The largest is a result of the U.S./USSR Agreement on Cooperation in Studies of the World Ocean, signed in Washington, D.C. on June 19, 1973, and extended until December 15, 1981. A Joint Committee on Cooperation in World Ocean Studies was created to implement the Agreement and it established five working groups to develop and realize cooperative activities. These working groups are on large-scale ocean-atmospheric interaction; ocean currents and dynamics; geology, geophysics and geochemistry of the world ocean floor; intercalibration and standardization of oceanographic instruments and methods; and biological productivity and biochemistry. Each of these groups has actively pursued mutually beneficial exchanges of experts and information, as well as extensive joint research projects.

Another important example of joint U.S.-Soviet cooperation in oceanographic research is the Marine Mammal Project which has evolved out of the U.S./USSR Agreement on Environmental Protection. The objective is "to develop collaborative research into the biology, ecology and population dynamics of marine mammals of interest to both countries and thus contribute to sound management and conservation of these animals," and it is being realized through the exchange of information and current data, coordinated and shared national research projects, and joint research projects. Most of the cooperative studies have concentrated on mammal activities in the North Pacific area.

In a third major oceanographic program with the Soviet Union, U.S. scientists from the Northeast Fisheries Center of the National Oceanographic and Atmospheric Administration's (NOAA) National Marine Fisheries Services have been conducting joint fisheries research with Soviet scientists from the USSR Atlantic Scientific Research Institute of Marine Fisheries and Oceanography (AtlantNIRO). The main focus of the joint research has been to cooperate on life history studies and assessments of major commercial fish species in the fisheries' zone of the Northeast Atlantic U.S. coast, as well as on extensive ecosystem studies.

Poland

A similar program has been established between U.S. and Polish fisheries' scientists who meet periodically to review joint projects in such areas as herring studies, environmental assessment programs, and lining and patch studies. The U.S. has also helped fund and operate a Plankton Sorting and Identification Center in Poland.

GDR

Scientists from the German Democratic Republic's Institute for Deep Sea Fishing and Fish Processing and from NOAA's Northeast Fisheries Center in Woods Hole, Massachusetts are involved in a program of cooperation to investigate marine resources within the 200-mile fishing zone of the United States. Planned activities for the next two years will include herring and plankton surveys, herring stock samplings and mackerel feeding investigations.

Bilateral fisheries programs have also been implemented between the U.S. and both Spain and the Federal Republic of Germany.

Multilateral Cooperation

Within the United Nations, the U.S., through the National Oceanic and Atmospheric Administration, has taken an active role in oceanographic-related groups including: UNESCO's Intergovernmental Oceanographic Commission (IOC); the United Nations Environment Program; and the Intergovernmental Maritime Consultative Organization, which deals primarily with international maritime safety. The U.S. has also participated in the International Council for the Exploration of the Sea (to encourage and coordinate investigations for the study of the sea), and the International Hydrographic Organization (to make world navigation safer by improving nautical charts). Within NATO, the U.S. has initiated oceanographic programs with France, Canada and the United Kingdom.

Seismological Research

Earthquake studies have been singled out as another area of potentially valuable international cooperation. Joint projects on the study and forecasting of earthquakes, and research on the technology of seism-resisting constructions particularly are highlighted.

Several U.S. Government agencies are involved in encouraging international seismological research, but primary responsibility rests with the U.S. Geological Survey (USGS). The USGS participates, for example, in a worldwide seismic network of stations, and through that network exchanges seismic records with several of the signatory states, including Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and the USSR. Bulgaria, Poland, Romania and the USSR also exchange seismic risk mapping with the USGS and have been involved (with the exception of Bulgaria) in additional joint research projects with the USGS. Since its 1977 earthquake, Romania has received earthquake assistance and will be procuring seismological equipment through the U.S. National Bureau of Standards and the Agency for International Development.

The United States' most detailed formal cooperative seismological research agreement with the CMEA countries is with the Soviet Union. Under the joint Agreement on Environmental Protection, a special working group was established to study problems of earthquake prediction. The main directions of the

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group's cooperative efforts have been in developing reliable methods of earthquake prediction and tsunami warnings (long-period gravity waves which travel through the Pacific); estimating seismic risk; predicting strong ground motion as it relates to earthquake resistant design and planning; and understanding the physical and mechanical processes of earthquakes and tsunamis. Both the U.S. and USSR will be publishing and disseminating a collection of papers which will incorporate the results of the joint work at the end of 1979, in addition to the regular publication of separate papers in scientific journals.

The United States has also been pursuing joint solutions to the problems of construction of buildings in seismic areas with the Soviet Union under the U.S.-USSR Agreement on Cooperation in the Field of Housing and Other Construction, signed in June of 1974 and renewed for an additional five years in June of 1979. Under that Agreement, the working group on techniques for construction in areas of frequent seismic activity has been involved in a regular exchange of data, information and specialists. Mention should also be made of U.S. participation, through the National Academy of Sciences, in the International Geodynamics Project which was created to study shifts in the plates which form the earth's large land masses. Begun in 1974, the Project is continuing through 1979 and is particularly concerned with earthquakes and the effects on volcanoes.

Research on Glaciology, Permafrost and Problems of Life Under Conditions of Cold

In the areas of glaciology as well, the Final Act recognizes that countries must work cooperatively to resolve problems which are mutually shared, particularly problems relating to cold weather construction and permafrost-related environmental difficulties.

The United States has been pursuing cooperative ventures with the Soviet Union in these areas under the terms of three separate agreements. For example, under the bilateral U.S.-USSR Housing Agreement, one of six working groups concentrates on the question of Building for Extreme Climates and Unusual Geological Conditions. The group has been encouraging exchanges of specialists, joint publications and cooperative research efforts in three fields, two of which involve design solutions and building construction under cold climatic conditions, and the other, foundations in permafrost and supporting sciences and technology. A joint seminar on "Construction in Permafrost" was held in Leningrad from June 25 to July 2, 1979, in which both U.S. and Soviet specialists exchanged and published technical research papers.

Permafrost-related environmental problems caused by the construction and operation of pipelines, roads and engineering

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difficulties are studied as part of the U.S.-USSR Environmental Agreement. Joint research called for by the Agreement largely concerns developing techniques to predict the environmental impact of such construction projects and to monitor changes at control points in Alaska and Siberia. An additional topic of bilateral cooperation in the area of cold weather construction is contained within the joint Energy Agreement and has lead to a mutual exchange of data and research on problems of constructing dams and hydropower stations in cold weather conditions. The Soviet Union has made advances in the design of embankment dams on permafrost which should be helpful in planning several projects in the United States.

Computer Communication and Information Technologies

The growing importance of computers and telecommunications in today's world led the negotiators of the Final Act to include, within these provisions, a section on information technologies and their application in various production, management and research processes.

The United States has been actively involved in official cooperative projects in the computer area with the Soviet Union, principally under the U.S.-USSR Science and Technology Agreement. The U.S.-USSR Joint Working Group on Scientific and Technical Cooperation in the field of the Application of Computers to Management, established in October of 1972 as a result of the Agreement, has intensified its activities over the past four years. Those activities have revolved around five major topic areas under which specific project activities have been carried out in various sub-topics. The five areas include econometric modeling; computer analysis applied to economics and management of large systems; application of computers to the management of large cities; theoretical foundations of software applications in economics and management; and the use of computers in decision-making and the advanced training of high-level administrative personnel. An indication of the recent increased activity in these fields is the fact that 18 meetings under the joint working group program were held from October of 1972 through February of 1976, while 65 meetings have already been held from February of 1976 to June of 1979. As a result of these meetings, 10 long-term joint research projects have been initiated, 15 seminars have been organized on a broad range of topics within these fields, 150-200 specialists from each country have been exchanged and a considerable amount of material has been published, disseminated and shared. The net effect of these cooperative efforts has been to allow specialists from both countries to review current computer problems in both the U.S. and Soviet Union and mutually to arrive at possible solutions. The U.S. National Science Foundation, the implementing agency for the Application of Computers to Management area, has recently commissioned a study involving a Retrospective

Analysis of the Computer Program which will present a detailed historical record of the program and its results. The U.S. has also been involved in several commercial computer sales to the Soviet Union, including IBM and Sperry Univac computer sales.

Space Research

In line with Basket II's commitment to expand cooperation in the area of space exploration and satellite studies of the earth's resources, the United States is presently engaged in cooperative space activities with both the Soviet Union and Romania. The U.S. has generally attempted in these activities to concentrate on specific projects of mutual interest and benefit, rather than on generalized exchanges, and these goals have, on the whole, been met in existing cooperative ventures.

Bilateral Cooperation

USSR

An "Agreement Between the United States of America and the Union of Soviet Socialist Republics Concerning Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes" was first signed on May 24, 1972, and renewed in 1977. To implement the Agreement's provisions, six joint working groups were established in the areas of space science, earth-resource sensing of the national environment, space biology and medicine, space meteorology, search and rescue, and a study group on the feasibility of joint U.S. Space Shuttle and Soviet Salyut Space Station experiments. These groups have arranged for the exchange of information, lunar samples, soil moisture measurements and satellite data as well as joint seminars and joint search and rescue projects.

Romania

There has been a moderate level of contact with Romanian space officials, including exchange visits of specialists. In 1977, for example, a U.S. space specialist hosted a round-table discussion on the U.S. space shuttle program in Romania's Space Council and National Council for Science and Technology.

Several cooperative activities have developed from these interactions including the selection of a Romanian scientist as a Landsat-2 principal investigator and the selection of a Romanian proposal for flight on the Shuttle-borne Drop Dynamics Module. Additionally, negotiations are underway which are expected to lead to the establishment by Romania of a Landsat ground station with Romanian funding and a payment of a 200,000 dollar, one-year access fee to the U.S.

Other

In addition, the U.S. National Aeronautics and Space Administration sends announcements on a regular basis to Soviet and East European scientists concerning space research opportunities within the United States.

Multilateral Cooperation

As one of the two largest world space powers, the U.S. plays a prominent role in the work of the varied multilateral organizations involved in this area. U.S. participants in the United Nations Committee on the Peaceful Uses of Outer Space have constructively worked to reach agreement on several treaties regulating outer space activities and are presently pursuing an international legal regime to govern the use of direct broadcasting and remote sensing. The U.S. is also an active member of organizations such as the International Telecommunications Satellite Organization. Six U.S. agencies are taking part in the 1976-1979 International Magnetospheric Study designed to investigate properties of the earth's magnetic field in space.

Medicine and Public Health

The Final Act notes that medical research, development of new drugs, the study of contemporary problems of pediatrics and gerontology, and the organization and techniques of medical services are subjects where international cooperation could be most beneficially expanded in the areas of medicine and public health.

Within the United States, the Public Health Service (PHS) and National Institutes of Health (NIH), both contained within the Department of Health, Education and Welfare (HEW), have sought to promote international biomedical cooperation in the belief that the exchange of data among scientists throughout the world is fundamental to scientific progress and the growth of international understanding.

To meet such goals, the National Institute of Health has fostered a number of programs -- in which scientists from the signatory states have participated -- designed to promote advanced study in the biomedical and related sciences and to develop practical methods for utilizing the knowledge thus gained. These programs were established to encourage exchange, interaction, study, cooperation and collaboration within the international biomedical community and have provided opportunities for in-depth studies and discussion of significant research, public health and biomedically-related social and economic issues. Additionally, NIH awards individual foreign grants and contracts, publishes biomedical data from scientists abroad and disseminates information from participants in international scientific conferences and symposia. Over the past four years, it has been estimated that close to 1,000 scientists have traveled between the U.S. and CMEA nations under NIH-sponsored programs.

HEW's Center for Disease Control (CDC) also provides specialized training, work experience and consultations for foreign scientists and health officials who visit the Center. The Center funds a Service Fellowship Program which awards fellowships to scientists who have unusual medical knowledge and experience. CDC also collaborates on disease-related projects in five countries of the world, including Yugoslavia and Poland, with a total budget of $12,970,776.

Bilateral Cooperation

The United States is presently involved in cooperative bilateral programs, formally or informally, with 27 of the 34 signatory states. Cooperative biomedical agreements have been signed with 11 countries including Belgium, Canada, France, the FRG, Italy, Netherlands, Poland, Romania, Sweden, the USSR and Yugoslavia. Some level of formal cooperation is being considered or negotiated with Bulgaria, Czechoslovakia, the GDR, Greece, Hungary and Spain. Informal research activity through exchanges of scientists or NIH grant awards is being conducted with Austria, Denmark, Finland, Iceland, Ireland, Norway, Portugal, Switzerland, Turkey and the United Kingdom.

Two of these bilateral agreements for cooperation in health deserve special mention.

Poland

The first is the Cooperation in the Field of Health Agreement, signed in 1974, between the U.S. Department of Health, Eduction and Welfare and the Polish Ministry of Health and Social Welfare. The objective of this Agreement is to combine, where possible, the resources of the governments of Poland and the United States in joint efforts towards the solution of health problems of mutual interest. More specifically, the Agreement provides for cooperative activities with two possible sources of funding: a Joint Fund and "those other resources" which may become available from public and private institutions which agree to cooperate.

Additionally, the Agreement establishes a U.S.-Polish Joint Committee for Health Cooperation to oversee implementation of the program. Specifically, the Joint Committee is charged with the responsibility for: (1) determining policy relating to the Agreement; (2) identifying the priority areas and programs; (3) establishing the mechanisms and practical aspects of cooperation; and (4) reviewing and evaluating the progress of activities under the Agreement.

Since the Agreement was signed, the U.S. has contributed approximately eight million dollars to the Joint Fund. Matching contributions from Poland is on-going. Forty-two projects are actively engaged and 12 new project proposals are currently being reviewed at NIH for scientific merit and personnel competence. The research and exchanges conducted under the Agreement have, it is agreed, been professionally and personally beneficial to both countries.

USSR

Another agreement of major interest and significance has been the one negotiated between HEW and the Ministry of Health, USSR. The two organizations negotiated two separate agreements which have formed the basis of U.S.-USSR cooperative activities in the field of health research: the Agreement for Cooperation in Medical Service and Public Health, signed in 1972 and renewed in 1977 for a second five-year period, and the Agreement for Cooperation in Artificial Heart Research and Development, signed in 1974 and renewed in 1977 for five years.

Both Agreements call for the establishment of a U.S.-USSR Joint Committee for Health Cooperation, charged with implementing the practical aspects of health cooperation including the oversight of policy and administrative logistics. Additionally, the Agreements committed both sides to conducting cooperative efforts in the biomedical field through joint research projects and the individual exchange of scientists.

While activities under the program have generally progressed in a satisfactory manner, the Joint Committee has recognized an unevenness in the progress. Some areas move rapidly to intensive joint research, while others remain in the preliminary stages of exchanging background information and exploring the potentials of joint work. To the people involved in this work, slow progress has sometimes been a source of personal disappointment and dissatisfaction.

In some measure, the U.S.-USSR Program for Health Cooperation has served as an experimental model for future international programs of the Public Health Service. Although it is not unique in its fundamental design, it is the largest and most thoroughly evaluated and centrally administered cooperative international health program. Broad areas of interests, major administrative considerations, and a yearly evaluation are overseen by the binational Joint Committee. The scientific aspects of the program remain, however, the prerogative of working level scientists and institutions. The program has been unique because the countries have shared benefits and costs equally. Unlike many international health programs, no funds and very little technical hardware change hands. Each side basically underwrites the costs of its participation in cooperative projects with full and timely sharing of scientific data and results.

U.S. scientists and coordinators have had to learn to accommodate great disparities with their Soviet contacts in political, cultural and economic institutions as well as in the technical and scientific capabilities of both countries as they sought to define specific activities where both sides could cooperate for mutual benefit. The results have been of notable benefit to both countries.

Multilateral Cooperation

The United States has worked closely with the various health-related multilateral agencies, particularly the World Health Organization (WHO) and UNICEF, to help in resolving specific global health problems. The U.S. has supported and participated in programs concerning, among other issues, maternal and child health care, research and training in tropical diseases, improvement in the status of nutrition, disease control, health manpower development and promotion of environmental health. Additionally, the United States has actively cooperated with the WHO Regional Office for Europe on activities relating to maternal and child health care, health services research, environmental health and cancer research.

Environmental Research

(U.S. activities in cooperative research projects on specific scientific and technological problems related to the environment are covered in detail in the "Environment" section of this report).

Forms and Methods of Cooperation

The Final Act specifically outlines the types of activities which should govern international cooperation in the scientific and technological fields discussed above. These activities are, in fact, the specific forms of cooperation the United States has been pursuing with the Eastern signatory nations: exchanges of information and publications; exchanges of and direct contacts among specialists; international conferences and meetings; joint research programs and projects; use of commercial channels; and full use of bilateral and multilateral cooperative arrangements.

Since a special emphasis is made under these provisions on the improved exchange of scientific and technological information, mention should be made of a special branch of the U.S. Government created for that purpose -- the National Technical Information Service (NTIS). NTIS was created in 1970 to simplify and improve public access to U.S. Department of Commerce publications, data files, patents, and Federal Agency technical reports. It also coordinates the publishing and technical inquiry functions of different Special Technology Groups. NTIS publishes 26 abstract newsletters of new information items and an all-inclusive biweekly journal. It also provides NTIS' Bibliographic Data Base to a computer network serving customers worldwide. NTIS has, in addition, received the rights to publish and sell English translations of six copyrighted Soviet scientific journals and selected articles from more than 500 Soviet journals and books. The Information Service also provides most U.S. reports announced in the INIS (International Nuclear Informtion System) Atomindex and most non-U.S. reports abstracted in the Atomindex (as of 1976, almost 4,000 Soviet reports have been announced, all for U.S. sales only). The entire NTIS inventory is available to all the signatory countries -- a service which has not been reciprocated by all the Eastern signatory states. Thus far, 4,400 reports have been sold to Eastern Europe and the Soviet Union by NTIS.

The National Science Foundation is another agency active in the area of improving technical information exchange. The Foundation coordinates and administers the Special Foreign Currency Science Information Program in which U.S. government research scientists select materials of East European technology to be translated for the Federal government. NSF also periodically publishes reports which aim at expanding and improving scientific and technical communication.

This section of the Final Act also suggests that the United Nations Economic Commission for Europe study possibilities "for sponsoring conferences, symposia and study and working groups such as those which would bring together younger scientists and technologists with eminent specialists in their field." U.S. delegates to the ECE Senior Science Advisors supported a proposal that the Senior Advisors incorporate projects into their working program which would bring such younger scientists together to meet with well-known specialists. The advisors passed a resolution that called on government to encourage the participation of younger scientists in ECE Science seminars.

The United States has, in addition, assisted in the work of international programs, such as UNESCO's World Science Information System, which are concerned with information policy guidance, as mandated in this section of the Final Act.

ENVIRONMENT

In Section five of the CSCE Final Act, the participating states affirm the importance of close international cooperation for "the protection and improvement of the environment, as well as the protection of nature and the rational utilization of its resources..." The signatory states declare their intention to pursue "every suitable opportunity to cooperate" in the control of air pollution, water pollution control and fresh water utilization, protection of the marine environment, land utilization and soils, nature conservation and nature reserves, improvement of environmental conditions in areas of human settlement, fundamental research, monitoring, forecasting and assessment of environmental changes, and legal and administrative methods. The participating states further resolve to implement this cooperation on both a multilateral and bilateral basis through a wide variety of forms and methods, such as the exchange of information and specialists, organization of symposia and joint projects and consultations with other states.

The U.S. has a long history of concern for its national environment. In many respects, the country has been a world leader in efforts to control and abate pollution and preserve the ecological balance within its territorial boundaries. For example, in 1970, an executive order created the independent Environmental Protection Agency (EPA) within the Executive Branch to spearhead the government's integrated, coordinated attack on environmental pollution. Since 1976, Congress has passed major environmental legislation such as the Toxic Substances Control Act and the Resource Conservation and Recovery Act, as well as amendments to the landmark Clean Air and Clean Water Acts. Additionally, the Environmental Research, Development and Demonstration Authorization Act of 1978 mandated a separate program to insure continuing environmental research and development.

Presently, 40 federal agencies, including cabinet-level departments, are involved in the broad effort to prevent pollution in all environmental fields. In his May of 1977 environmental message to Congress, President Carter re-emphasized the U.S. commitment "to protect our most important resource -- human health -- from...hazardous substances in the environment."

On an international scale, the United States has also officially affirmed its commitment to cooperation on environmental issues. As stated in the 1969 National Environment Policy Act of the United States:

> "The goals of our international activities are to recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United

> States, lend support to initiatives, resolutions, and programs designed to improve international cooperation in anticipating and preventing a decline in the quality of our global environment."

Several U.S. Government agencies currently conduct a high level of cooperative environmental research with other nations and international organizations. The U.S. Departments of State, Interior, Commerce and Agriculture as well as other government offices are involved in this effort. The U.S. Environmental Protection Agency (EPA), however, has been the chief vehicle in U.S. efforts to comply with the Final Act's provisions on environmental cooperation. Most of the project descriptions and statements on U.S. environmental policy included in this report[33] are directly from the EPA's June of 1978 Reserach Outlook.

Forms and Methods of Cooperation

The United States participates in working groups on the environment associated with numerous multilateral organizations such as the Organization for Economic Cooperation and Development (OECD), NATO's Committee on the Challenges of Modern Society (CCMS), the United Nations Environment Program (UNEP), the World Health Organization (WHO), the Commission of European Communities and the Economic Commission for Europe (ECE). The United States Government also supports the principal international conventions on environmental issues. Recently, the U.S. was an active participant in the April of 1979 plenary sessions of the ECE and played an important role in laying the groundwork for the high-level meeting on environmental issues scheduled for November of 1979. Participating governments at the meeting will discuss, and perhaps approve, a Long Range Transboundary Air Pollution Agreement and a Low and Non-Waste Technology Agreement.

U.S. specialists are also engaged in many bilateral projects with Helsinki signatory states under agreements that either deal exclusively with environmental issues or are part of broader accords on scientific and technological cooperation. The U.S. has concluded comprehensive bilateral agreements on the environment with Canada, the Federal Republic of Germany, France and the United Kingdom, Poland, Yugoslavia and the Soviet Union.

Ongoing international operations by U.S. representatives include, among other forms of cooperation outlined in the Final Act, participation in fact-finding missions and international conferences, initation of joint programs and ventures, and providing advice to countries that request assistance in solving their own environmental problems.

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[33] An overview of EPA's international activities appears in Appendix VI, Chart 3.

For example, joint activity under the U.S.-USSR Environmental Agreement, one of the first of 11 such scientific-technical agreements between the two countries signed in May of 1972 and renewed for five years in May of 1977, encompasses all the forms set forth in the CSCE Final Act. These include: exchange of scientific and technical documentation and data; conferences, symposia, and working group meetings; exchanges of trained personnel; planning and implementation of joint programs and experiments; intercalibration of measurement instrumentation; publication of bilingual technical glossaries, and other appropriate efforts in the direction of harmonizing standards. Additionally, annual joint committee meetings -- co-chaired, on the American side, by the administrator of EPA -- permit regular high-level U.S.-Soviet consultations on new environmental topics of international importance. In 1978, a total of 162 Americans and 134 Soviets visited each other's country to discuss the above activities.

The U.S.-USSR Environmental Agreement specifically authorizes the two sides, upon mutual consent, to share the results of their cooperation with other countries. Some projects in the area of nature conservation are closely associated with programs operating under the auspices of UNESCO and the UN Environment Program (UNEP). U.S.-Soviet collaboration on prevention and clean-up of marine pollution from shipping is explicity tied into the activities of the Intergovernmental Maritime Consultative Organization (IMCO) and appropriate international conventions.

Fields of Cooperation

Air Pollution Control

According to EPA, research on air pollutants is a central aspect of U.S. international cooperative programs. EPA, therefore, has been working under bilateral agreements and programs with the Helsinki signatory states of France and the United Kingdom to combat air pollution. These agreements include joint studies on the potential hazards of the large-scale release of carbon dioxide into the earth's atmosphere and on the halt of ozone depletion. The EPA and the U.S. Department of State have been working with Canada and the International Joint Commission to resolve the increasing number of cross-boundary air pollution problems between the two nations.

The U.S. is engaged in cooperative efforts to assess the environmental consequences of coal conversion technology with the Federal Republic of Germany and Yugloslavia. The U.S. and the FRG agreed in 1977 to exchange information and, in certain cases, to work together to assure efficient development of technologies to burn coal in an environmentally acceptable manner. A study presently underway with Yugoslavia will provide a full evaluation of the Kosovo Coal Gassification Plant. Similarly, the U.S. and Poland have conducted a joint study of environmental control on coal combustion and its by-products in Polish plants.

The U.S.-USSR Environmental Agreement incorporates seven projects on topics of air pollution modeling and measurement, stationary source air pollution control technology and mobile source emissions. A joint wind tunnel experiment is planned to simulate the distribution of air pollutants over specified complex terrain and a joint field experiment will be conducted in the USSR to study the formation and transportation of natural aerosols. These two activities will aid both countries in understanding basic air pollution processes. Another joint program is under way on the development of safeguards against pollution from coal processing facilities.

On a multilateral level, the EPA represents the United States in air pollution research programs with 11 separate international agencies.

The U.S. has participated in discussions about problems concerning the earth's protective ozone layer in the United Nations Coordinating Committee on the Ozone Layer which reviews ongoing research, identifies research and monitoring needs, recommends (with priorities) needed research projects and attempts to influence nations and international scientific organizations to conduct such studies. The EPA presented the United States' position on stratospheric ozone in these discussions. The U.S. is also a signatory to the Tripartite (France, United Kingdom and the United States) Agreement on Stratospheric Monitoring, which provides a coordinated program of stratospheric monitoring.

An excellent example of the U.S. commitment to cooperation on a multilateral basis is the ongoing Isotopic Lead Experiment sponsored by the Common Market, Italian Federal Hydrocarbon Authority and International Lead and Zinc Research Organization. Under this study, gasoline stations in Torino, Italy, converted to a different lead isotope ratio in gasoline. The amount of lead in the human blood actually coming from automotive sources will be determined by measuring blood lead levels during the use of this special gasoline and after the Torino area returns to the original gasoline.

The U.S. has also been involved in the meetings of ECE experts and of the Senior Advisors to ECE Governments on Environmental Problems which helped prepare a Long Range Transboundary Air Pollution Agreement to be approved at the ECE Committee on the Development of Trade's annual session in November of 1979.

Water Pollution Control, Fresh Water Utilization, and Marine Environment Protection

A landmark of international cooperation in the Helsinki spirit regarding improved water quality is the 1972 United States-Canada Great Lakes Water Quality Agreement, under which the two countries operate through the International Joint Commission to support a water quality monitoring program and to devise a necessary research program to guide and support surveillance activities. The EPA also provides expert consultation on a variety of issues related to U.S.-Canada cross-boundary water pollution problems and participates in large-scale, long-term ecosystem studies with its Canadian counterpart. The Great Lakes Agreement is one of the few ongoing ecosystem studies.

Besides the Great Lakes Agreement, the U.S. has separate water pollution control agreements which include marine environment protection provisions with the Federal Republic of Germany, France and the United Kingdom. The U.S., through the EPA, is conducting research with Yugoslavia on water pollutants such as silicates, heavy metals and acid dust. Additionally, the U.S. and Polish governments are collaborating on renovation and recycling projects in Poland. Based upon findings from combined projects, American and Polish specialists have developed new techniques of removing pollutants from textile industry wastewater.

The U.S.-USSR Environmental Agreement embraces three joint projects on fresh water quality management. One of these involves comparative on-site analogies of water protection programs in selected river basins. A joint symposium on the subject was held during the fall of 1979. U.S. and Soviet experts collaborated in developing mathematical models of pollution transport in lakes and inland seas. A follow-up symposium on the use of this research for planning purposes is also scheduled for the latter part of 1979. Active bilateral research is in progress on the behavior of toxic substances in aquatic ecosystems.

The U.S.-USSR working group on prevention of water pollution from industrial and municipal sources has held discussions on various phases of new Soviet water pollution technologies. Such activities should, in the near future, provide additional benefits, not only in terms of cleaner processes and more effective control technologies, but also in terms of a vastly improved understanding of the systems involved.

U.S.-Soviet cooperation in the protection of the marine environment operates on two tracks: prevention and clean-up of pollution from shipping and effects of pollution on marine organisms. Combined activities have occured in several different ocean regions, including the Black Sea, the Mediterranean, the North Atlantic and North Pacific. According to the details of the agreements, by the end of 1979, two types of Soviet oil skimmers will have been shipped to the U.S. for tests at an EPA facility in New Jersey, the Soviets will have hosted a joint symposium on biological effects of marine pollution and Soviet specialists will have visited the U.S. for purposes of intercalibrating methods to determine the presence of oil and petroleum products in ocean water.

To improve knowledge of wastewater treatment and disposal methods, the U.S. is participating in international research involving sources of pollution, advanced wastewater treatment technology, process modification and analyses of sludges and their environmental effects. One of the most important of these efforts is the study of advanced wastewater treatment being conducted under the auspices of NATO's Commmittee on the Challenges of Modern Society (CCMS) in which the United States, United Kingdom, Canada, Italy, France and Germany are studying, among other topics, the standardization of formats for international information exchange.

Improvement of Environmental Conditions in Areas of Human Settlement, Nature Conservation, and Land Utilization

Issues relating to the improvement of environmental conditions, multimedia exposure to environmental chemicals and related health effects, significant changes in ecosystems, and disposal of toxic substances are of primary concern to environmentalists worldwide. Therefore the U.S. is working on several international initiatives in this area.

Implementation of the U.S. Toxic Substances Control Act requires cooperation in establishing international agreements on regulatory procedures, such as consistent testing requirements, agreed quality control procedures and standard methods. The U.S. is concentrating its efforts in this area within major international organizations such as the Chemicals Group of the Organization for Economic Cooperation and Development (OECD). EPA is participating actively in the chemical testing program of the Chemicals Group to harmonize test methods and systems to predict the effects of substances on humans and the environment before substances enter the marketplace. EPA's focus is on methods for testing the long-term effects of chemical substances on human health.

The U.S. is discussing with the European Commission the administrative details of toxic substances control. Also in cooperation with the World Health Organization, the U.S., through the EPA, will help develop an international plan of action to improve the evaluation of health risks from exposure to chemicals.

Thus EPA is working with various countries to assess risks and benefits associated with various methods of hazardous waste disposal. Of key interest is a NATO Committee on Challenges of Modern Society pilot study on the disposal of hazardous wastes which is now entering Phase II of its operation. Phase I of the study provided valuable insight into mine and landfill disposal practices and produced recommended procedures for hazardous waste management. Phase II will include analyses of other thermal treatment systems.

The U.S. is taking steps on other problems relating to the improvement of environmental conditions in settled areas. One such problem, underscored in the CSCE Final Act, is that of the harmful effects of noise. The U.S., primarily through EPA, is cooperating on noise abatement research, along with the OECD, the International Civil Aviation Organization, the World Health Organization, and the U.N. Environment Program. The U.S. also has an agreement with France on regulating "noise pollution."

U.S.-USSR cooperation on improving environmental conditions originally fell under the authority of the multifaceted U.S.-USSR Environmental Agreement. It has now been transferred to the purview of the U.S.-USSR Housing Agreement of 1974. As outlined in the Helsinki accords, an active information exchange continues in projects relating to environmental aspects of urban transportation, solid waste processing, urban land use and the planning and management of urban recreation zones. Additionally, in 1978 Soviet and American agencies conducted an exchange of exhibits on the preservation and restoration of historic sites and structures.

The U.S.-USSR Environmental Agreement also contains an extensive program of bilateral cooperation in the realm of nature conservation and reserves management. Related activities include: implementation of the US-USSR Migratory Bird Convention of October of 1978, study and conservation of rare species of cranes, protection of northern ecosystems, and study and propagation of endangered plant species. Soviet and American specialists are actively involved in joint research into the biology, ecology and population dynamics of marine mammals. The two sides are exploring the possibility of concluding a formal convention on the conservation of north Pacific marine mammals. Another new initiative currently under discussion concerns aquaculture technology and fisheries management.

Joint activity between the U.S. and the USSR in the area of soil conservation is implemented under projects concerned with biological approaches to agricultural pest management and transport/transformation of pesticides. A separate effort is also under way on techniques of reclamation and revegetation of disturbed land, a topic of special interest to industrial nations engaged in intensive energy-related development (strip mining, pipeline construction, etc).

Likewise, the United States, through the Fish and Wildlife Service of the Department of Interior, has a valuable bilateral agreement with Spain on protection of nature and nature reserves, and on wildlife and park management. The United States is involved in several combined activities with Poland and Yugoslavia aimed at more effective land utilization and the protection and recultivation of soils.

Moreover, the U.S. Government maintains a close working relationship with the International Union for Conservation of Nature and Natural Resources (IUCN), a worldwide association established to promote research on the natural environment. The United State has joined the IUCN's member governments and international organizations in a broad array of projects designed to preserve natural wildlife habitats, to ensure the perpetuation of wildlife species and to protect the ecological balance in general. The U.S. is a signatory to one of the largest and most important conventions on wildlife protection in the world -- the 51-nation Endangered Species Convention of 1973.

Besides subscribing to the principal international conventions on wildlife protection and nature preservation, the U.S. is active in research and development programs under the auspices of a number of multilateral agencies. For instance, U.S. specialists on pesticides are continuously involved in work with the U.N. Food and Agriculture Organization (FAO), the World Health Organization, the Organization for Economic Cooperation and Development (OECD) and the U.N. Environment Program.

Research, Monitoring, Forecasting, and Assessment of Environmental Changes and Legal and Administrative Methods

The U.S. Environmental Protection Agency believes that "a comprehensive environmental monitoring program is a prerequisite for complete United States participation in the establishment of a global monitoring system. This international coordination, as well as the development of a national monitoring capability, will increase the base of knowledge on pollutant build-up in the environment before that build-up reaches crisis proportions."[34]

In keeping with this view, many of the bilateral environmental agreements that the U.S. has negotiated with participating states incorporate the monitoring and forecasting of environmental changes. Long-term monitoring is a significant feature of the U.S.-Canada Great Lakes Agreement. Similarly, joint research projects with other nations often call for the development of regulations and administrative devices to protect the environment and assess potential harmful consequences. For instance, the fundamental challenge of monitoring, forecasting and assessing environmental change is attacked in many of its facets under the U.S.-USSR Environmental Agreement. One joint project seeks to clarify the effects of pesticides and fertilizers on aquatic and terrestrial fauna. Another focuses on the impact of pollution on forest systems. A third study is the biological and genetic effects of particular forms of pollution. A working group of several projects provides for a rich program of joint research into the influence of environmental changes on climate. One of the most consistently valuable areas of cooperation under the Environmental Agreement involves field and theoretical investigations of earthquake precursors and seismic risk. In a separate project, Soviet and American scientists recently pooled resources in an open ocean experiment on the formation and propagation of tsunamis in the northern Pacific.

Still other projects aim at the sharing of insights and approaches to the legal/administrative side of environmental protection and the harmonizing of pollution control standards in the two countries. Teams of U.S. and Soviet observers will visit specially designated areas in each other's country to initiate comprehensive regional analyses of environmental quality, including aspects of ecology, economics and public health. The American side will host a follow-up symposium, with the ultimate purpose of developing a mutually useful program of environmental quality monitoring and control.

The U.S. also actively contributes to the work of international organizations such as the Stratospheric Ozone Monitoring Program and the United Nations Environment Program's Global Environmental Monitoring System. Primarily concerned with air, this system will link existing national monitoring activities. United States cooperation in the global water quality monitoring network is expected to increase as a result of EPA's role as a World Health Organization Collaborating Center for Environmental

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[34] U.S. Environmental Protection Agency, Research Outlook, June of 1978.

Pollution Control. The data from joint surveillance and monitoring in the Great Lakes will also be incorporated into the Global Environmental Monitoring System.

Over and above these commitments, the U.S. has taken the initiative in establishing legal and administrative procedures for worldwide environmental impact assessments, a measure specifically advocated in the CSCE Final Act. In April of 1979 the U.S. Department of State expressed before a meeting of the U.N. Environment Program U.S. interest in developing international arrangements for the use of environmental impact assessments and consultations. Senator Claiborne Pell of Rhode Island, co-chairman of the U.S. Commission on Security and Cooperation in Europe, sponsored the initial resolution in the U.S. Senate that outlined the details of a far-reaching treaty on the issue. The U.S. Senate approved the treaty resolution unanimously. The U.S. plan would call on signatory governments to prepare an environmental impact assessment statement for any major project that would affect the environment of another country or "the global commons." The signatory government would then transmit the assessment and consult with the affected country or in the case of "the global commons," the U.N. Environment Program.

Conclusion

Most of these programs were initiated before the signing of the Helsinki accord. But in compliance with the Final Act's provisions, the United States has continued to pursue international cooperation with the Helsinki signtory states in every field of environmental concern specified in the Final Act and by every method and form recommended. The bilateral and multilateral agreements highlighted here comprise only a portion of U.S. international environmental cooperation relating to the CSCE accords.

COOPERATION IN OTHER AREAS

The sixth and final Basket II section deals with four specialized and differing areas of economic cooperation which have not been covered in great detail under any of the previous Final Act provisions: development of transport, promotion of tourism, economic and social aspects of migrant labor, and training of personnel.

Development of Transport

These Final Act provisions outline the importance of encouraging the international improvement of transportation conditions and problems. The signatory states to the Final Act should, according to these clauses, increase their level of cooperation and information exchanges; work towards the harmonizing of administrative formalities and safety provisions in transportation; improve international inland transport, particularly within inland waterways and railroads; and intensify their work in international organizations, particularly the ECE's Inland Transport Committee, and their accession to international transport conventions.

The U.S. government, through the Department of Transportation (DOT), has been actively and visibly involved in promoting cooperative ventures in the areas of transport technology and conditions through bilateral programs and through participation in the transportation work of various international organizations, particularly the ECE.

The United States is presently participating in bilateral programs with five CMEA states (Czechoslovakia, Hungary, Poland, Romania and the USSR) and seven West European countries (Canada, France, FRG, Italy, the Netherlands, Spain and United Kingdom); ad hoc cooperative arrangements are also in existence with Bulgaria, Austria, Belgium, Denmark, Finland, Norway, Sweden and Switzerland. These programs are promoted principally for the purposes of acquiring and sharing useful technology and experience and incidentally, for promoting sales of U.S. technology and equipment.

U.S. participation in the activities of various multilateral organizations is focused on their work in developing and adopting international transportation standards and regulations, in considering regional transportation problems, in discussing shared problems and national experiences, and in disseminating technology and the results of multilateral research work.

While there has been no significant increase in bilateral or multilateral activities with the CSCE signatory countries since the signing of the Final Act (most of these programs were negotiated prior to August 1, 1975), the cooperative ventures called for in these agreements have been progressing satisfactorily during the period. Two bilateral cooperative agreements have, however, been concluded since 1975: a Memorandum of Understanding with the Dutch Ministry of Transport and Public Works in the fall of 1977 and one with the Hungarian Ministry of Transportation and Postal Affairs in the fall of 1978.

Bilateral Cooperation

Czechoslovakia

U.S.-Czechoslovak exchanges are based on a Memorandum of Understanding signed in June of 1968, which calls for both countries to exchange information and specialists in specific subject areas. Most of the agreed exchanges have been completed, and the U.S. is looking to continue cooperative research projects, particularly in the areas of highway, rail and urban goods, after a government-level bilateral agreement for scientific and technological cooperation is approved.

Hungary

After several years of exploratory visits and ad hoc exchanges of information between DOT officials and the Ministry of Transportation and Postal Affairs (MOTPA), a Memorandum of Understanding was concluded between the two organizations in October of 1978. DOT specialists are particularly interested in Hungarian research on rail track deformation and their bus development and testing program.

The Hungarian Ministry of Transportation and Postal Affairs has been slow to respond to proposals for visits and tours of laboratories where research and development work is being realized. This may be due, in part, to the fact that the U.S. program is administered by only a few officials of MOTPA's international staff who are frequently traveling and thus react slowly to making arrangements for U.S. delegations. Since 1970 approximately 15 U.S. specialists have visited Hungary and four Hungarian specialists have visited the U.S. for discussions on transportation issues and to explore possibilities for cooperative work.

Poland

U.S. cooperative work with the Polish Ministry of Transport is based on the Memorandum of Understanding (MOU) signed in November of 1971 between the Department of Transportation and the Polish Ministry of Transport (MOT), informally extended by correspondence in 1976, and formally extended in Warsaw in October of 1978. The Memorandum is in the process of being further amended at the request of the Poles side through the exchange of diplomatic notes.

Under the Memorandum, research projects have been developed in the areas of driver habits and training, pedestrian behavior, use of coal fly ash in highway construction, rail safety, rail track structure improvement, and human factors (aging and shift work) rail research. The first three projects have been successfully completed and the others are in their final phases.

Romania

Cooperative exchanges with Romania are based on a Memorandum of Understanding concluded in November of 1971 between the U.S. Department of Transportation and the Romanian

Ministry of Transport and Telecommunications (MOTT). Limited exchanges of information have resulted from the agreement as the two sides have only recently been able to identify on-going research work of mutual interest and potential benefit. The U.S. has been particularly interested in cooperation in the rail area and the work now begun at the new Romanian rail test ring at Faurei. A three-man rail delegation visited Bucharest in April of 1979 for discussions regarding cooperative proposals discussed by the DOT-MOTT program coordinators in Bucharest last fall.

USSR

Cooperation in transportation between the United States and the Soviet Union, which began with exploratory exchanges of technical delegations in the areas of bridge construction and tunneling, high-speed rail and containerization, and urban transport and environment, was formalized by the conclusion of the U.S.-USSR Agreement on Cooperation in the Field of Transportation, signed in June of 1973. The agreement was renewed in June of 1978 for two years, extendible for another three years unless either side gives at least 30 days notice of its intent to withdraw.

As the Agreement specifies, Executive Agents (coordinating bodies) have been appointed for each side: DOT serves in this capacity for the U.S. and the State Committee on Science and Technology (SCST) serves for the Soviet side. A U.S.-USSR Joint Committee on Transportation, also provided for in the Agreement, was established to oversee implementation of the Agreement through annual meetings, alternating between Moscow and Washington. A U.S.-Section of the Joint Committee was established (composed of DOT Assistant Secretaries, the General Counsel, Modal Administrators, the Chairman of National Transportation Safety Board, and representatives of Commerce (MARAD) and State) under the chairmanship of the Assistant Secretary of Transportation for Policy and International Affairs. The chairman of the Soviet section is a Deputy Chairman of the SCST.

The Department of Transportation is involved in two working groups under the U.S.-USSR Environmental Agreement: DOT Office of the Secretary personnel in work on urban environment, and Coast Guard personnel in work on prevention and cleanup of ship pollution. The objective of the urban environment project is essentially to examine each country's practices and problems in the area of urban transportation and to cooperate on projects that would help ease some of those problems. Since the project first began in 1973, there have been numerous exchanges of specialists and information, and the drafting of two joint reports.

Multilateral Cooperation

International organizations have been active in the promotion of specific cooperative transportation projects to which the United States has been a notable contributor. There are, for example, five different international organs involved in the problem of the transport of dangerous goods: the U.N. ECOSOC Committee of Experts on the Transport of Dangerous Goods; the Economic Commission for Europe's (ECE) Committee on the same subject; the Inter-Governmental Maritime Consultative Organization (IMCO); the International Civil Aviation Organization (ICAD); and the International Atomic Energy Agency (IAEA). Each group is working on codifying safety standards and increasing cooperation, the further exchange of information and the implementation of conventions on the transport of dangerous goods in their respective areas of competence.

Other organs of multilateral cooperation in which the U.S. has taken a leading role include the Economic Commission for Europe's Inland Transport Committee; the International Civil Aviation Organization (ICAD); Intergovernmental Maritime Consultative Organization (IMCO); European Conference of Ministers of Transport (ECMT); Organization for Economic Cooperation and Development (OECD); International Standards Organization (ISO); International Union of Public Transport (UITP); and the International Union of Railways (UIC).

Promotion of Tourism

Recognizing "the contribution made by international tourism to the development of mutual understanding among peoples" and "the interrelationship between the development of tourism and measures taken in other areas of economic activity," Basket II includes a special section in which the participating states "express their intention to encourage increased tourism" by encouraging improvement of the tourist infrastructure, joint tourist projects, the exchange of tourist-related information, the facilitation of the activities of foreign travel agencies, the exchange of specialists and the promotion of conferences and multilateral tourist studies.

While the tourist industry in the United States is not centrally controlled as it is in the Eastern CSCE states, the U.S. Government has taken several measures to encourage and facilitate tourist travel to the United States. In the area of tourist data exchange, the United States Travel Service (created in 1961 within the Department of Commerce to promote international travel to the United States) has conducted numerous research surveys within the United States and abroad and publishes a bibliography of all available tourist publications. The USTS has, in addition, been urging countries such as the Soviet Union to work with the U.S. on harmonizing tourist data and expects to send a representative to Moscow in September of 1979 to discuss the question of statistic harmonization. It has, additionally, urged the formation of a "Visit the USA" center at the U.S. Embassy in Moscow. Every five years the Census Bureau conducts a National Travel Survey -- "the largest survey of travel activity conducted in the world today"[35] -- collecting detailed information on the volume and characteristics of American travelers and the nature of their trips, including overseas trips to Canada and Europe. ALso, numerous private organizations conduct their own market surveys and analyses. In 1973, the United States Travel Data Center was created exclusively to improve the data base on travel to, from and within the U.S. The Discover America Travel Organization (DATO) was also formed to deal with the needs of the U.S. tourist industry.

To facilitate, in the Final Act's language, "the activities of foreign travel agencies and passenger transport companies in the promotion of international tourism," the USTS organizes an annual convention called "Pow Wow," which brings foreign tour operators together with U.S. suppliers and helps acquaint the foreign organizations with U.S. tourist attractions, hotel accommodations and other facilities. Close to one thousand travel promoters participate in these conferences annually. The USTS also participates in other international tourist meetings such as the International Tourism Bourse, held annually in West Berlin. An international symposium was also recently held in Washington, D.C., called "Tourism in the Next Decade," in which numerous organizations from the CSCE states participated.

The U.S. Government has also been promoting tourist travel to this country by "dealing in a positive spirit with questions ...connected with the formalities required for such travel." Both the Congress and the executive agencies concerned have been working to revise U.S. visa laws and procedures to make it easier for foreigners to visit the U.S. (See Basket III, Visa Section).

The U.S. has been actively pursuing tourist agreements with the Eastern signatory states and has urged the inclusion of clauses relating to tourism in various bilateral cultural agreements. Such clauses exist in agreements signed with Romania and with the Soviet Union ("the parties will encourage the expansion of tourist travel between the two countries and the adoption of measures to satisfy the requests of tourists

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35. Douglas Frechtling, Director, U.S. Travel Center.

to acquaint themselves with the life, work and culture of each country."[36] Negotiations have begun on a separate tourist agreement with Poland and on the possibilities for one with the Soviet Union.

As honorary co-chairman of the Tourism Committee of the U.S.-USSR Trade and Economic Council, the U.S. Assistant Secretary for Tourism has actively contributed to the work of this Committee. Several cooperative projects the Committee has initiated include an experimental program on reciprocal non-currency exchanges of travelers, work on uniform tourist statistics, and a U.S. proposal on cooperation in hotel management and personnel training.

As part of its multilateral implementation efforts, the U.S. has been a notably active member of the World Tourism Organization (WTO), headquartered in Madrid, Spain. U.S. delegates have proposed that the WTO draft a tourist bill of rights and code of conduct, and have been instrumental in the creation of a Facilitation Committee which hopes to reach agreement on the outlines for a possible international convention on the facilitation of tourism.

These varied government activities in the field of tourism should be encouraged to continue and expand, despite the scheduled dissolution of the U.S. Travel Service, with particular attention to increasing tourism between the United States and the Soviet Union.

Training of Personnel

This final section of Basket II, "Cooperation in Other Areas," requests the participating states to encourage exchanges of information and of professional staff and technicians that would further the training and advanced training of these professional technicians."

As a way of encouraging U.S. compliance in this area, the CSCE Commission recently recommended that the U.S. International Communication Agency (ICA) provide the CSCE signatories with a special collection of American educational counseling materials which include the major reference sources for educational opportunities in the United States.

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[36] Paragraph 14 of the U.S.-USSR General Agreement on Contacts, Exchanges and Cooperation in Scientific, Technological, Cultural and Other Fields.

CONCLUSION - CHAPTER 4

The continued efforts and interest of private firms, governments and multilateral organizations have contributed to the transforming of East-West economic and scientific cooperation from a variable and fragile series of economic interchanges to a more stable, regular and growing economic interdependence. The Final Act has been an admittedly small factor in that evolution. The Act's Basket II provisions have, however, provided governments and individual enterprises with a well-defined chart of problem areas and suggested remedies for these problems, thus spurring the concerned organizations in the signatory states to work toward implementation of these suggestions and the gradual strengthening of East-West commercial ties.

Four years is a relatively short time to assess progress made toward essentially long-range goals. United States implementation of these Basket II provisions has generally been exemplary in some areas, sporadic in others and limited in a few. Even though the U.S. government plays a minimal role in the workings of the economic and trade system, the Government has made notable efforts to facilitate the development of commercial and scientific relations with the Eastern CSCE states. These include the negotiation of two trade agreements and numerous other related commercial agreements; active participation in the creation and work of bilateral trade councils and commissions; dissemination of voluminous information on the U.S. economy, the Eastern economies, and specific topics of interest to U.S. and Eastern businessmen; the organization of trade centers, commercial fairs, symposia and meetings to facilitate the work of businessmen here and abroad; the more widespread granting of multiple-entry visas and commercial offices to businessmen from the Eastern CSCE states; the signing and funding of cooperative agreements in various fields of science and technology; and active involvement in the important multilateral activities of such groups as the Economic Commission for Europe. Again, most of these efforts would have been pursued without a Final Act because of U.S. stated interests in the expansion of world trade. Taken together, however, they comprise an impressive record of compliance with most of the major provisions of Basket II.

In areas where U.S. compliance has been most frequently criticized, the government has taken modest steps to ensure greater compliance without substantially altering previous practices. Most-Favored-Nation (MFN) and government credit qualifications still remain in effect, but MFN and government credits have been extended and Trade Agreements negotiated with Romania and Hungary. Export control procedures remain lengthy in certain cases, but recent legislative and administrative initiatives have attempted to minimize the procedural difficulties. Anti-dumping and market disruption legislation is still in effect, but the agencies concerned are conscious of carefully reviewing and reconsidering each decision on a non-discriminatory basis. Eastern businessmen are still, on occasion, denied U.S. entry visas for security-related reasons, but the Departments of Justice and State have tried to streamline and expedite the decision-making process.

The Commission has recommended that U.S. Government and private interests continue the positive efforts that each has made in expanding their network of commercial and scientific interchanges with Eastern CSCE states and enterprises. In areas where U.S. implementation could be improved, such as export control and visa issuance procedures, the Commission has recommended that the relevant government agencies take further steps to ensure greater U.S. Final Act compliance. The Commission also hopes that the other signatory states make similar reassessments and improvements in their implementation record. Such constant attention and concern for the principles and practical steps outlined in Basket II will help ensure the continued success of the "process" which began four years ago at Helsinki, as well as the success of the expanding East-West economic relationships which began prior to Helsinki. In turn, the Commission hopes that economic ties, in time, will contribute to the Final Act's long-range goals of reinforcing "peace and security in Europe and in the world as a whole."

CHAPTER FIVE

COOPERATION IN HUMANITARIAN AND OTHER FIELDS

INTRODUCTION

In Basket III of the Helsinki accords the CSCE states concentrated their efforts to give detente a "human face." With Basket III, the West insisted that detailed humanitarian provisions be included in a document the East had originally hoped would deal only with political-security issues. In order to reach agreement at Helsinki, the East acceded to a view long held by the United States and the Western countries that improvement in relations between states must be accompanied by improvement in the daily lives of the citizens of the respective signatory states. Basket III also recognizes the important part individuals have to play in building the mutual understanding and confidence that will make detente a successful undertaking.

Basket III is essentially about international movement -- of individuals, information and ideas. It is divided into four sections which reflect those three "movement" areas. The first section, Human Contacts, covers the specific provisions for implementing the principle of freer movement of people by reducing restrictions on family reunification and travel. Section two expands the principle of freer movement of information by outlining specific measures to increase the dissemination of and access to information. The final two sections on the freer movement of ideas contain measures to encourage increased cultural and educational contacts and exchanges.

Because the United States has traditionally imposed few barriers to the free movement of citizens, information and ideas, Basket III requires few changes in existing U.S. practices. This is not to imply, however, that U.S. compliance has been above reproach. The United States has been criticized both at home and abroad for maintaining visa policies which place a difficult burden on travelers from other nations. The U.S. government plays a limited role in the nation's cultural and, to a lesser extent, educational life. While this ensures that individual scholars and audiences have freedom of choice in these fields, it has also given rise to complaints that the U.S. has not done enough to promote exchanges.

In scrutinizing the U.S. Basket III record of compliance, the Commission has placed special emphasis on criticisms and complaints. Since much of the criticism lodged against U.S. performance in this sphere has come from either East European states, or critics of U.S. policies towards those states, the focus of much of this report is on the East-West aspects of Basket III interaction. Many of the policies examined here focus on the way the United States treats its own citizens. This is again a recognition of the fact that individuals and their concerns should not be forgotten in the interplay of governments and nations.

HUMAN CONTACTS

The need to improve the lives of individual citizens is most clearly highlighted in the first Basket III section, Human Contacts, which deals exclusively with the facilitation of the freer movement of people across borders, particularly for the purposes of family reunification, family visits, marriage and tourism. In detailing these provisions, the Final Act recognizes "the development of contacts to be an important element in the strengthening of friendly relations and trust among peoples" and commits the signatory states "to develop, with the continuance of detente, further efforts to achieve continuing progress in this field."

The United States -- one of several countries which insisted on inclusion of these provisions in the Final Act -- has always recognized and supported the principles contained within them. As a nation founded by immigrants, the U.S. has throughout its history affirmed the right of everyone to leave any country and return to his or her own country -- a human right later recognized in the United Nations' Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It is U.S. policy to grant citizens the exit documents required to leave and return at will. This right is restricted only for specific and sharply limited criminal, medical or national security reasons. Previous restrictions on travel to certain countries by American citizens were removed by President Carter in 1977. Therefore, in this respect, the United States is in compliance with the Human Contacts section of Basket III. The Commission is not aware of any criticisms of U.S. practices in this area from other CSCE countries or domestic sources.

Like virtually every country in the world, however, the United States controls and restricts the entry of foreigners. These restrictions have been criticized both at home and abroad as impeding the development of human contacts which the Final Act mandates and circumscribing the principle of free movement which the United States espouses.

U.S. Entry Policies

It may safely be said that few single issues concerning U.S. compliance with the Helsinki accords have received more criticism from a broader range of sources than the one concerning U.S. visa policies, particularly as they apply to citizens from Eastern CSCE states. The major focus of that criticism as it relates to the Final Act has been on a provision of the 1952 U.S. Immigration and Nationality Act which denies members of proscribed organizations, including the Communist Party, entry into the United States without a special waiver.

There have been a number of critics of that provision in U.S. law.

-- President Carter: "We are ourselves culpable in some ways for ...restricting unnecessarily, in my opinion, visitation to this country by those who disagree with us politically" - February of 1977 press conference.

-- U.S. press: "The beginning of a new Administration is a good moment to dump overboard the law that prohibits Communists from visiting the United States. It was a foolish law when it was enacted two decades ago. In recent years it has become a constant embarrassment. Worse, it is open to exploitation by precisely the people at whom it was aimed." - February of 1977, a Washington Post editorial.

-- U.S. Congressmen: "These sections of the McCarran-Walter Act, enacted over the veto of President Truman, are violations, not only of the Helsinki Final Act, but also of America's traditional commitment to the unfettered exchange of ideas and the right to move about freely, without fear of discrimination based on past or present political beliefs." - June of 1977, Rep. Robert Drinan (D.-Mass.).

-- Soviet and East European press: "The legalized practice in the United States of not giving access to the United States to people holding progressive views is not only contradictory to the highly publicized Washington statements but represents a flagrant violation of the Final Act of the European conference which bears the signature of the American president. And what is more, ruling circles in the United States, breaking all records in hypocrisy, try to accuse other countries of not observing the Final Act clauses" - March of 1977, Moscow domestic services.

Other provisions of the Immigration Act have been criticised as being contrary to the spirit of U.S. Helsinki promises, particularly those dealing with the entry of foreigners whose admission may be detrimental to U.S. national security interests. While not denying the obvious need for such restrictions, critics contend that the present wording of the statute is both too inflexible and too broad to allow for a fair and objective interpretation.

The procedures associated with these provisions have also been a major source of criticism by both domestic and foreign critics. The length and nature of the application forms, the often extended delays associated with the application process, the frequent need for a personal appearance and interview by a U.S. consular officer, the number of visa refusals, the need itself for a visa to enter the United States when other countries have abolished the visa requirement --- all have been cited as examples of the complexities of U.S. entry procedures, creating obstacles to the free movement of people called for in the Final Act.

The Final Act specifically mandates the participating states "to facilitate freer movement and contacts, individually and collectively..." in particular "gradually to simplify and to administer flexibly the procedures for exit and entry" and "to promote visits to their respective countries by encouraging ... the simplification and expediting of necessary formalities relating to such visits." In addition, the Final Act's language details the specific measures states should adopt to facilitate family visits, family reunification and marriages. These include expeditiously issuing entry and exit documents, charging acceptable fees for those documents, and favorably considering application requests.

The following section of the report will examine these allegations by reviewing the relevant provisions of U.S. visa laws, recent practices in U.S. visa formalities, changes that have been enacted in either law or procedures since August of 1975, and recommendations suggested in light of those findings. The examination will concentrate on U.S. entry procedures which have been criticized as violations of the Final Act. In viewing U.S. visa policies, practices and procedures, it must be remembered that U.S. officials must be particularly concerned with carefully screening the entry of foreigners -- perhaps more so than officials of other countries. The U.S., unlike other countries, maintains virtually no internal controls over foreigners once they enter the country. Entering foreigners are expected, of course, to comply with the specific terms of their entry, but no nationwide mechanism exists to enforce that compliance.

U.S. Visa Laws

In its first one hundred years as a nation, the United States encouraged and promoted the unrestricted movement of people into the country. The process of controlling the flow of foreigners into the United States first began a few years before America's centennial when Congress adopted legislation excluding aliens for "qualitative" reasons of health, morality, etc. Several years later, in 1882, the first general immigration legislation was passed which barred the entry of aliens from certain countries. In 1921, a "national origins" quota system was established which limited the number of immigrants permitted to enter from Eastern hemisphere countries. In 1952, the Immigration and Nationality Act, commonly referred to as the McCarran-Walter Act, passed Congress over President Truman's veto. It became the basic law -- with significant amendments over the years -- governing U.S. entry policies to the present day.

The Act was, to a large extent, a recodification and revision of existing immigration laws. But it was severely criticized during its passage as restrictive legislation which reflected too clearly the times in which it was drafted -- the height of the Cold War, the Korean War and McCarthyism. While abolishing the provisions excluding immigrants from Asian countries, the McCarran-Walter Act retained the national origins quota system until 1965 when amendments to the Act replaced the country quotas with hemispheric ones. No more than 170,000 persons may be admitted in one year from the Eastern hemisphere and 120,000 from the Western hemisphere. Since then, amendments to the Act have reflected more humanitarian concerns, specifically regarding family reunification and refugee admissions.

The Immigration and Nationality Act (INA) places two types of general restrictions on persons wishing to enter the United States: numerical and qualitative. The INA also differentiates between two types of entering aliens: immigrants (aliens who wish to settle permanently in the United States) and nonimmigrants (aliens who are granted temporary admission for specific purposes).

As is true in most other CSCE states, regulations governing the admission of immigrants are, of political, economic and social necessity, more restrictive than those which apply to nonimmigrant aliens. Numerical restrictions apply only to immigrants and consist of an annual worldwide ceiling of 290,000, with a 20,000 maximum from any country. Consistent with the Final Act, family reunification is the primary objective of these immigration provisions. Within the numerical restrictions, for example, visas are distributed according to a seven-category preference system which gives priority to specified family members (four out of the seven categories, involving 74 percent of the hemispheric totals). Spouses and children of U.S. citizens and parents of adult citizens are not subject to the numerical limitations.

Persons applying for nonimmigrant visas are granted temporary entry into the United States for 12 specific purposes outlined in Section 101 (a)(15) of the INA. Although entry restrictions for nonimmigrants are fewer than those for immigrants, temporary visitors are subject to greater limitations, particularly regarding employment, while in the United States.

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Both immigrants and nonimmigrants are subject to the qualitative restrictions contained within the INA. An alien may be refused entry into the U.S. on the basis of 33 economic, moral, health, political or security grounds.[37] Some of these exclusionary grounds may be excused for immigrant applicants in particular circumstances, and all the grounds (except (27) and (29) involving national security restrictions) may be waived for nonimmigrants by the Attorney General at the recommendation of the Secretary of State or consular officer.[38]

While the large majority of excludable grounds deal with aliens who are judged seriously ill, criminal, immoral or likely to become public charges, Section 212(a)(28) bars members of certain proscribed organizations from entering the United States. Subsection (c) specifically bars "aliens who are members of or affiliated with...the Communist or any other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state." This section of the Act, together with Sections 212(a)(27) and (29), were adopted from the Internal Security Act of 1950 in which immigration legislation was used as a means of controlling the "communist threat"[39] that figured so prominently in U.S. public life at the time.

Relevant Changes in U.S. Law

When the INA was first enacted, exclusion under Section 212(a)(28) was the rule and waivers were the exception. Throughout the past decade, the opposite situation has prevailed and waivers have been granted more often than refused. As the State Department's Bureau of Consular Affairs has noted: "Consular officers should not hesitate to use the waiver recommendation where appropriate. In practice, consular officers are urged to recommend waivers for ineligible aliens unless their presence in the United States would be harmful. The utilization of this waiver authority in such cases demonstrates that our basic immigration policy is compatible with general freedom of travel, exchange of ideas, and humanitarian considerations, while at the same time ensuring, through careful screening, that our internal security is being safeguarded."

To establish a still more liberal application of U.S. visa laws, the "McGovern Amendment" to the Foreign Relations Authorization Act of 1978 was adopted on August 17, 1977, "for the purposes of achieving greater United States compliance with the provisions of the Final Act..."

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[37] See Appendix VII, Chart 4 for a listing of those grounds and the number of aliens refused entry on those grounds in Fiscal Year 1976.

[38] See Appendix VIII for the waiver language of Section 212(d)(3).

[39] See Appendix IX for full text of Sections 212 (a)(27) (28) and (29).

The amendment provides that within 30 days of receiving a nonimmigrant visa application by any alien who may be excluded from entering the U.S. solely because of affiliation with a proscribed organization, the Secretary of State should recommend that the Attorney General grant approval for his or her admission, unless the Secretary determines and certifies to the Congress that doing so would be detrimental to U.S. security interests. The amendment did not change the basic provisions of U.S. law. But it did have an important symbolic value in demonstrating the gravity with which the United States views its Final Act commitments and in supporting the Carter administration's policy of encouraging greater movement and contacts of people across borders.

The McGovern Amendment did not touch upon the exclusion of possible foreign intelligence agents from the United States; these provisions, Sections 212(a)(27) and (29), have remained unchanged from the 1952 Act and are not subject to a waiver. The Amendment has, however, recently been revised and substantially limited and linked to Final Act implementation.

Another noteworthy attempt to change U.S. visa laws that is in keeping with U.S. Final Act commitments has been a recent amendment to the State Department authorization bill, introduced by Senator and CSCE co-chairman Claiborne Pell (D.-R.I.). The amendment would give the Secretary of State the authority to abolish the visa requirement for temporary visitors (up to 90 days) from selected countries which extend reciprocal privileges to American citizens and where the visa-refusal rate is very low. Even without this amendment, a large percentage of the foreigners legally entering the United States did so without the formal required visa. Nonimmigrant visas are not required of Canadian citizens and permanent residents of Canada who are natives of Commonwealth countries and British subjects who live in certain Caribbean islands. Mexican citizens require only border crossing cards -- which serve many of the same purposes as a visa.

Such a legislative change would make it considerably more convenient for citizens from several CSCE states to visit the U.S., and would be a striking example of U.S. good faith efforts to improve compliance with the letter and spirit of the Final Act and to realize the Administration's commitment to greater freedom of travel.

These and other provisions of the INA will, it is assumed, be reviewed and possibly revised when the Select Commission on Immigration and Refugee Policy makes a final report of its findings and recommendations in late 1980 or early 1981. The Commission is composed of 16 public, private and Congressional members whose mandate is "to study and evaluate...existing laws, policies and procedures governing the admission of immigrants and refugees to the United States and to make such administrative and legislative recommendations to the President and to Congress as are appropriate." One of four particular concerns, as detailed in the Commission's governing legislation, is to "conduct a study and analysis of the effect of the provisions of the Immigration and Nationality Act...on the conduct of foreign policy."

U.S. Visa Procedures

Those agencies responsible for admitting aliens into the United States repeatedly emphasize that they must work within the limits of U.S. immigration laws. While those procedures may appear cumbersome at times, these agencies have attempted over a number of years to streamline their admission operations and "to be sensitive to the international community's commitment to freedom of movement and to humanitarian principles" according to Assistant Secretary of State for Consular Affairs Barbara Watson, who testified at a CSCE Commission hearing on April 5, 1979.

The Immigration and Nationality Act provides for a "double-check" system of admission which is essentially controlled by two government agencies: The Bureau of Consular Affairs of the Department of State and the Immigration and Naturalization Service (INS) of the Department of Justice. A foreign national wishing to enter the United States must first secure from an American consular officer abroad a visa which documents that the alien is eligible to enter the U.S. The visa itself -- issued by the State Department officer -- establishes preliminary eligibility but does not guarantee admission. After arriving in the U.S., the alien must be interviewed by the admitting INS official on his or her eligibility to enter and the appropriateness of his or her visa classification.

To secure a visa, applicants must, in most cases, present documentation demonstrating eligibility. Obtaining an immigrant visa is more difficult and time-consuming than obtaining a nonimmigrant visa. The processes involved in both are described below.

Immigrant Visa Issuance

Section 222 (b) of the Immigration and Nationality Act details the documents required for immigrant visa applicants: a valid passport or other travel document; certifications and any existing records from the appropriate police authorities; the applicant's military record, if any; and record of birth.

The applicant must also fill out a detailed application form. In addition, the consular officer must obtain specific documents supporting the visa-preference classification being sought, such as a preference petition for applicants seeking a family-related preference and an Alien Employment Certification for an employment-related preference. After the required documents are received, the applicant must undergo a medical examination and submit to an interview by the consular officer to determine his or her eligibility and appropriate visa classification.

The fees for immigrant visas are standard worldwide and have been set at 5 dollars for the application and 20 dollars for the visa. These fees have remained unchanged since they were first applied in 1952, despite the fact that the costs for processing the visas have risen more than three times the amounts charged.

The immigrant visa process is lengthy and time-consuming because of the need both to assemble the necessary documents and to wait for the availability of visa preference numbers. It becomes even more complicated if the applicant is judged ineligible under one of the provisions of 212(a) of the INA.

If an immigrant applicant is or was a member of the Communist Party, as is frequently the case with nationals from the Eastern CSCE states, his or her ineligibility -- as determined by 212(a)(28) -- may be overcome only by demonstrating that such membership was involuntary or that the applicant is a "defector." Involuntary membership must be demonstrated "to the satisfaction of the consular officer" by proving that the applicant was under the age of 16 at the time he or she joined the Party or that he or she entered the Party only for the purposes of securing employment, food or other essentials of living. Applications by aliens who claim they are defectors must be reviewed by the State Department and the Attorney General to determine that the applicant's admission would be "in the public interest."

These checks take time and necessarily delay the admission process by several weeks. Assistant Secretary of State for Consular Affairs Barbara Watson said at a recent CSCE hearing that, "assuming no transmission delays due to staffing shortages, a case in which the factual presentation is reasonably clear and complete should be completed in four to six weeks if it is claimed that the membership is or was involuntary. In similar circumstances, a case in which defectorship is claimed would normally require about three months to complete..."

If the applicant is refused a visa for any reason, that person has the right to be informed of the legal provision under which the visa was refused and the unclassified facts upon which the denial was based. All denials are reviewed by a supervisory consular officer, and the applicant may request reconsideration of the case by the consular officer or the Department of State.

When they arrive in the U.S., all aliens must be interviewed by an immigration officer at the point of entry to ensure eligibility for admission. Anyone refused admission has the right to a hearing before an immigration judge whose decision may be reviewed by the Board of Immigration Appeals and eventually the federal courts.

Nonimmigrant Visa Issuance

Because U.S. visa laws mandate that "every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer...that he is entitled to a nonimmigrant status" (Section 214(b) of the INA), it is incumbent upon the visa applicant to demonstrate that he wishes to enter the United States for a temporary visit and will abide by the terms of his particular nonimmigrant visa classification. Such decisions depend largely on the personal judgement and discretion of the consular officer based on all the available evidence. In the vast majority of cases involving most CSCE signatory countries, applicants must simply complete a visa application form and submit it, together with a photograph and passport, to the consular officer by mail or, if they prefer, in person. If the officer feels there is some doubt as to the alien's qualifications to receive a nonimmigrant visa, the officer may request an interview with the applicant or may request additional documentation to support the applicant's eligibility. Specific nonimmigrant visa categories require specific additional documentation, such as an approved INS petition for temporary workers and fiances.

Assistant Secretary Watson has calculated that the requirement for a personal interview of applicants is waived for "between 70 percent and 90 percent of nonimmigrant visa applicants at consular offices in Western Europe and for up to 50 percent of applicants at offices in Eastern Europe."

Nonimmigrant visa fees are based on the principle of reciprocity, as mandated by U.S. laws. According to Watson, the State Department "actively undertakes to bring about mutual reduction in fees or their outright elimination. Whenever the United States does charge a fee for a nonimmigrant visa, it is solely because the government of the country concerned charges a like fee for an American traveling to that country." On that basis, applicants from the Soviet Union, Yugoslavia and Romania are not charged a nonimmigrant visa fee; neither are nationals from Western Europe, except certain applicants from Luxembourg, Norway, Spain and Switzerland. The U.S. has recently proposed abolishing the fee reciprocally for visitors from the German Democratic Republic (GDR), Bulgaria and Hungary.

The time involved in obtaining a visa varies with each applicant and the workload of each consular section. Assistant Secretary of State for Consular Affairs Watson has testified that "nonimmigrant visas are issued as expeditiously as possible. Nonimmigrant applicants who appear in person are generally processed the same day." The Department has estimated that the average worldwide processing time for nonimmigrant visas was 17 minutes in 1975, down from 18 minutes in 1974 and 1973, and 21 minutes in 1972. It has been decreasing steadily over the past three years despite a 40 percent increase in the number of applications during that period.

That waiting period is extended, however, if the applicant is deemed to be ineligible under one of the 33 grounds for ineligibility set forth in the Immigration Act. Section 212(a)(28), which denies entry to members or affiliates of proscribed organizations, including the Communist Party, may be waived, as noted in the previous section, for nonimmigrant visa applicants. Such waivers have been routinely granted in the large majority of cases -- 96 percent in 1975 -- and in all cases since 1977.

The granting of a waiver does, however, require additional time and added procedures. The consular officer must interview the applicant and must request a waiver from the Immigration and Naturalization Service (INS). In some cases, the Department of State makes the waiver recommendation to the INS. In all instances, cases ineligible under 212(a)(28) must be reviewed by the appropriate security agencies of the U.S. Government. Recommendations may be made by letter, by an exchange of telegrams or by a telephone call. "The procedures may be lengthy, although in urgent cases they may be expedited... Every effort is made in each case to complete the necessary steps in a timely manner," Assistant Secretary Watson noted in prepared testimony for a CSCE hearing on April 5, 1979.

The nonimmigrant visa procedure may also be considerably prolonged if an applicant is suspected of ineligibility under 212(a)(27) or (29) of the Immigration Act -- the only two grounds of exclusion under the Act which may not be waived. Under (27) an applicant will be excluded if "the Attorney General knows or has reason to believe" that he will be entering "the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States." Similar, more specific language is contained in (29).

Most countries have similar restrictions governing the entry of suspected foreign agents. Questions have been raised over the past year, however, about U.S. Final Act compliance in this regard because of a recent shift in U.S. policies relating to the enforcement of these laws.

Responsibility for determining an applicant's ineligibility under these two provisions rests with both the Departments of State and Justice. The consular officer, upon receiving a non-immigrant visa application from nationals of Eastern states, must request a security name check from the FBI, particularly when a waiver of paragraph (28) is required. If the security check does, in fact, reveal evidence of an applicant's possible affiliation with a foreign intelligence service, the FBI generally recommends that the visa be denied on the basis of (27) or (29). When there is a difference of opinion among agencies as to whether to grant the visa, "in 1976, according to the rundown, the FBI's recommendations for exclusion of a temporary visitor were overruled (or ignored) by the State Department 87 percent of the time; in 1977 they were overruled 99 percent of the time; and in the first quarter of 1978, they were overruled 100 percent of the time." (Washington Post, July 4, 1978). Since early 1978, however, after Congress passed legislation requiring the Attorney General to submit a list to Congress of all aliens admitted into the U.S. over FBI objections and the Senate Appropriations Committee directed that the INS "under the guidance, control and supervision of the Attorney General deny entry and enforce expulsion of hostile intelligence service personnel irrespective of visas issued by, or policies of the Department of State," Justice Department decisions have been given greater weight in this aspect of the visa-issuance process. In an effort to resolve differences between them, the two departments have since established consultative arrangements and have formed a small interdepartmental committee to review disputed cases of fact, with final decision to be made by the Associate Attorney General. According to Assistant Secretary Watson: "The Committee has succeeded in developing criteria for adjudicating these cases which have markedly reduced the instances of divergent views in subsequent cases...Continuing review of divergences as they may arise will further refine those guidelines and thereby further reduce the number of cases over which the two agencies disagree."

Only a small number of applicants fall under these provisions. Since January of 1975, the FBI estimates that 13 East European and 31 Soviet nationals have been denied entry into the U.S. as a result of FBI visa denial requests on the basis of 212 (a)(27) and (29)). But those who are affected have complained of the delays and uncertainties connected with their applications. Former Associate Attorney General Michael Egan, in his testimony before the Helsinki Commission, agreed that "there have been some lengthy delays in the processing of some applications. We have, however, worked out informal procedures whereby urgent cases can be handled on an expedited basis." Former Deputy Legal Advisor of the State Department Lee Marks also testified that "the bulk of cases are handled in a timely manner; with the difficult cases, you have delays. We are sorry about that, although it is the product of trying to do this in a responsible and careful way."

Criticisms concerning these procedures, however, have been raised because of recent visa denials to East European nationals who had previously been granted entry permission on several occasions, whose families were residing in this country or whose presence in the U.S. served important commercial or foreign policy interests. Mr. Marks explained U.S. policy on this question: "There was a time when the State Department argued that in making the judgements that are required under (27) and (29), you could balance foreign policy reasons against national security reasons. I must say it is the present view of the Office of the Legal Advisor that you cannot do this anymore, and, in fact, the law says that if you have reason to believe that somebody is coming here to engage, even incidentally, in prohibited activities, you've just got to keep them out."

As is the case with immigrant visa denials, nonimmigrant visa applicants must be informed of the provision of U.S. law under which they were refused a visa. Applicants whose refusal is based on paragraphs (27) and (29), however, are not usually given the facts supporting the decision on their case because the information is classified.

Relevant Changes in Procedure

Although the complexities of U.S. admission procedures are determined to a large extent by the laws governing those procedures, the executive agencies involved in the process have taken positive steps to simplify and streamline the proceedings. The Bureau of Consular Affairs says they "are sensitive to the needs to facilitate travel" and are trying, in terms of concept and implementation to facilitate that particular need, within the balance of other considerations." As previously noted, the need for a personal interview of nonimmigrant visa applicants may, for example, be waived at the discretion of the consular officer and waiting periods for the issuance of visas have been shortened, despite a considerable increase in the number of applications. To further expedite these procedures the Department of State is working with the Department of Justice to develop three compatible computerized programs: an automated nonimmigrant visa issuance system - (ANVIS); a travel document and issuance system - (TDIS); and an automated system of alien documentation, identification and telecommunication - (ADIT). These systems would computerize most of the mechanical processes involved in admission pro-

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cedures and would improve considerably the efficiency of those procedures. The ANVIS system is already operating at several consular offices abroad.

The INS is also attempting to expedite its checks of aliens at points of entry. Pre-clearance procedures, whereby visitors are cleared by INS officials when they depart, have been initiated on an experimental basis at several airports abroad. The inspection periods at points of entry have already been minimized for all entering aliens to an average of 60 seconds per passenger, thereby allowing the ratio of inspector to arriving passenger to be reduced. In addition, the processing of visa petitions for immigrant applicants has decreased to one month in most cases and five months in the more difficult ones.

Conclusion

Both the administrators and critics of U.S. visa policies agree that U.S. admission laws and procedures are complex. That complexity must, however, be viewed in the context of the particular national circumstances which have governed the formulation of those policies. As former INS Commissioner Leonard Chapman said in testimony in 1976: "The United States remains a large, attractive magnet to people from all over the world who seek, not merely to visit, but to work and remain here permanently. The high standard of living, the perceived opportunity to better one's station in life, and the relative ease in finding a job, all contribute to the enormous pressure that is placed upon the enforcement mission of this Service."

Such pressures are greater in the United States than in most other countries of the world because the U.S. maintains virtually no internal controls over the movement of foreigners once they enter the country, and numerical restrictions on entering immigrants often tempt aliens to enter as visitors and remain illegally. Visitor passports are not registered by hotel administrators or police authorities. Prohibitions on the hiring of foreigners are loosely enforced, thus making it relatively easy for an alien to violate his visitor status and contribute to the significant illegal alien problem which exists in the United States. The ease with which an alien may move throughout the country also creates various security problems.

These particular difficulties, coupled with the growing problem of aliens obtaining fraudulent entry documents, force limitations on President Carter's stated goals of liberalizing "almost completely travel opportunities to America." They also put great pressure on consular and INS officials to closely examine nonimmigrant visa applicants to ensure they will abide by the terms of their visas.

Despite these limitations, both the Congress and the Administration have publicly stated their support of a U.S. policy committed to easing travel restrictions to this country, and each has attempted, legislatively and administratively, to modify existing restrictions and to streamline existing procedures to meet those goals. In fact, foreigners have been visiting the United States in record numbers during the past few years. In Fiscal Year 1978, the number of times foreigners entered the United States exceeded 272 million and there has been a steady increase of visitors from all the signatory states since the signing of the Final Act.[40] The number of visitors from the Soviet Union, for example, has almost doubled during the past 8 years.

These are encouraging trends which provide concrete evidence that progress is being made to remove procedural obstacles which hinder the movement of people to the United States. Nevertheless, there is a widespread recognition within the country that more comprehensive changes need to be made in U.S. immigration policy. The Select Commission on Immigration and Refugee Policies has been specifically created to recommend comprehensive changes. In view of the criticisms and discussion contained in this section, the CSCE Commission hopes that the Select Commission will review specific aspects of U.S. law in light of U.S. Final Act commitments.

For example, Section 212(a)(28) of the Immigration and Nationality Act, as it presently stands, contains discriminatory features which unnecessarily impede the movement of people called for in the Final Act. Legislation prohibiting the entry of Communist Party members into the United States was a logical result of the public mood of the 1950's; it makes little sense today, given the United States' international and national commitments to the free movement of people. The existence of this prohibition in U.S. laws, despite the waiver provisions used in virtually all cases, makes the U.S. vulnerable to criticisms at home and abroad. It creates additional administrative delays and procedures with minimal perceived benefits to the United States since the exclusion of persons who may pose national security risks are adequately covered by other legal safeguards. In the case of nonimmigrants, waivers are currently granted to all visa applicants who may be ineligible solely for reasons of membership in a proscribed organization. Nevertheless, consular officers, INS officials and prospective visitors must follow the time-consuming process of requesting a waiver which is routinely granted. In several instances, delays in the process have led to a cancellation of the proposed trip because the meeting the visitor wished to attend had taken place in the interim. In most instances the delays and additional procedures have fostered unnecessary resentment toward the United States.

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[40] See Appendix X.

In the case of immigrants, waivers may not be granted for persons who are voluntary members of the Communist Party. As David Carliner, General Counsel for the American Civil Liberties Union (ACLU) and noted immigration lawyer, stated in his testimony before the CSCE Commission: "These requirements exalt political doctrine above the principle of family reunification. Even as to persons who are able to meet the onerous requirements of the present law, the procedures are overwhelming and favorable decisions are a long time coming...As a result (of this law), numerous spouses of American citizens have been faced with the alternative of living in separate countries, relieved by the temporary visits of American spouses abroad, or of having the American spouse living, in effect, permanently abroad, separated from close family members who remain in the United States." This provision also makes it necessary to ask such exhaustive questions on the immigrant visa application form as question number 30: "List all organizations you are now or have been a member of or affiliated with since your sixteenth birthday."

The language of Sections 212(a)(27) and (29) regarding national security restrictions of the INA should also be reviewed. As former President Harry Truman noted when discussing the wording of these sections: "No standards or definitions are provided to guide discretion in the exercise of powers so sweeping. To punish undefined 'activities' departs from traditional American insistence on established standards of guilt. To punish an undefined purpose is thought control." Associate Attorney General Michael Egan has complained of the difficulties in executing the law: "We are not permitted under this law to take into account the economic interests or the foreign policy interests of the United States in making these decisions. I, for one, would like that flexibility in this law, which does not now exist. It was passed in the early '50's, at a time when we were much more nervous about Communist influence than the trend is in the country today. But we have serious problems of feared retaliation, whether it be damage to some trade negotiations or something else... If we have some discretion in the language of this statute, I think it would be helpful in the overall interests of the United States and I assure you that that discretion would be used wisely by the Attorney General."

Consideration should also be given to adopting, during the 96th Congress, the Pell Amendment which would abolish the visa requirement for foreign visitors from selected countries. The bulk of aliens who enter the U.S. come from Western Hemisphere contries (mainly Canada and Mexico) and do not require visitor visas. Unfortunately, the remaining five percent includes nearly all visitors from CSCE states (except Canada). Consequently, even a partial waiver of the nonimmigrant visa requirement appliable to selected CSCE countries would be a visible forward step in U.S. compliance with the Helsinki Final Act. American Express has estimated that visa requirements deter close to 180,000 tourists from visiting the United States annually, and the International Air Transport Association has stated that "there is no doubt that in Europe the development of tourism has been due in part to the widespread abolition of visas for tourists." Foreigners entering the U.S. without visas could still be cleared or checked for eligibility by INS officials either at pre-clearance points abroad or at their point of U.S. entry.

The CSCE Commission believes that the Select Commission on Immigration and Refugee Policy should take particular care to reexamine and reevaluate Section 212(a)(28) of the Immigration and Nationality Act. The Select Commission should also seek to define the national security standards of Sections 212 (a) (27) and (29) of the INA more clearly and consider language under those provisions that would allow non-security factors to be taken into consideration in deciding visa requests.

Both the Bureau of Consular Affairs and the Immigration and Naturalization Service should examine ways of streamlining and expediting the admissions process to facilitate freer movement and contacts among citizens of all CSCE states. Specifically, the Bureau of Consular Affairs should continue to seek ways to shorten the waiting periods for U.S. visas and to simplify the application forms, as well as continue to liberally apply the waiver provisions for visiting foreigners who are Communist Party members. The INS should continue to expand its preclearance procedures and should look to other imaginative ways of easing clearance procedures at U.S. points of entry.

The realization of these suggestions would bring the United States into a position of fuller compliance with the Final Act's Human Contacts provisions and would deflect many criticisms of U.S. compliance with the provisions of the Helsinki accords.

Responsibilities of the Receiving State for Immigrants

The Helsinki Final Act recognizes that the rights and resettlement of immigrants should be of serious humanitarian concern to the participating nations. The last paragraph of subsection (b) of the Human Contacts section of the Final Act refers to the commitments "receiving states" have to persons from other CSCE states who immigrate to their country. Specifically, the Final Act obliges the receiving states to:

> "...take appropriate care with regard to employment for persons from other participating states who take up permanent residence in that state in connection with family reunification with its citizens and see that they are afforded opportunities equal to those enjoyed by its own citizens for education, medical assistance and Social Security."

Soviet critics contend that life in the West -- in particular, the United States and Israel -- is hell for emigrants. Articles in the Soviet press detail the tragic plight of naive Soviet emigrants who, lured by Zionist propaganda, foolishly left their homeland and now clamor to return to the USSR. Characterizing life for the Soviet emigrants in the U.S. as filled with "unemployment, social inequality, humiliation and family tragedies," a Soviet commentator alleged that "the politicians who advocate emigration from the USSR view with indifference the shattered fate" of those who leave.

This section of the report will attempt to respond to such charges by detailing the steps the U.S. has taken to fulfill its pledge in the Final Act to guarantee the rights, and ease the settlement, of immigrants from CSCE states. It will also recommend action to improve the U.S. performance in this regard.

The Flow of Immigrants

In 1977, over 460,000 people immigrated into the United States. From 1972 until the end of 1978, over 40,000 individuals from the Soviet Union and Eastern Europe resettled in this country. Many were admitted as refugees, defined under present law as those who have fled from a communist country or the Middle East because of persecution or who have been uprooted by natural disaster.

The rate of Soviet and East European refugees has increased dramatically in recent months, as the USSR has allowed more Jews to emigrate. An increasing number of Soviet Jews -- close to 65 percent -- are choosing not to go to Israel but rather to come to the United States. In the first few months of 1979, nearly 4,000 Soviets arrived in the U.S. each month. State Department sources estimate that approximately 36,000 Soviets and East Europeans will resettle in the U.S. during Fiscal Year 1979 and during the next two fiscal years.

Because the number of refugees admitted to the United States is restricted by law to 17,400 per year, the vast majority of Soviet and East European refugees enter the U.S. under the parole provision of the Immigration and Nationality Act. The parole provision authorizes the Attorney General to allow any alien into the U.S. temporarily, at his discretion and under conditions he prescribes, in emergencies or for reasons in the public interest. While parole itself does not constitute permission for permanent resident status, under certain circumstances a parolee may adjust his status to that of an immigrant -- an alien lawfully admitted for permanent residence. In fact, most of the Soviet and East European refugees are allowed to settle in the U.S. permanently and eventually become legal residents. Those who enter the U.S. under the 17,400 quota for refugees are known as conditional entrants and are eligible for permanent resident status only after two years. A permanent resident becomes eligible for citizenship in three to five years.

Rights of Aliens

Nearly all the protections guaranteed in the U.S. Constitution apply to both citizens and aliens. These include freedom of religion, speech, press, the right of assembly, public and speedy trial, and trial by jury, as well as the prohibitions against unreasonable search and seizure, double jeopardy, and self-incrimination.

Under both the Fifth and 14th Amendments, the Constitution guarantees that no "person" shall be deprived of life, liberty or property without due process of law. The 14th Amendment further guarantees that no "person" shall be denied the equal protection of the laws. According to legal experts, "it is clear...that the twin safeguards of due process and equal protection generally shelter both citizens and aliens..."[41]

The assurances of the Fifth and 14th Amendments are further bolstered by the Civil Rights Acts of 1886 and 1964. Referring to the 1886 Act, an immigration law specialist wrote: "Since the language of the statute relating to 'persons' includes aliens, it provides a remedy for persons who have been discriminated against because they are aliens."[42] The Civil Rights

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[41] Charles Gordon & Harry N. Rosenfield, Immigration Law and Procedure, Volume I, 1979 (New York, Matthew Bender), pp. 1-163.

[42] David Carliner, The Rights of Aliens, (New York, Avon Books), p. 130.

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Act of 1964 prohibits discrimination against aliens "in constitutional rights, privileges and immunities and assures them security of their persons and property. These constitutional and statutory mandates mean that aliens in the United States are protected against arbitrary deprivation of their property and that they are entitled generally to the same procedural safeguards as citizens in criminal prosecutions, civil litigation, and administrative proceedings."[43]

Employment

In general, a permanent resident alien in the United States is entitled to pursue any employment or occupation he wishes. According to Gordon and Rosenfield, "the resident alien's right to earn a livelihood is assured by the Fifth and 14th Amendments and by treaty provisions with various nations."[44]

In the past, however, states have placed significant limitations on an alien's employment opportunities, excluding him from many occupations. These restrictions were not uniform and, in many instances, the rationale behind the limitation was obscure. The U.S. Supreme Court ruled in the early 1970's that restrictions based on alienage "are inherently suspect" and, in effect, invalidated a number of restrictive state laws which indiscriminately barred permanent residents from public employment and numerous other professions. More recently, the Supreme Court has ruled that states may impose narrowly defined restrictions on the employment of resident aliens, such as a citizenship requirement for public positions which involve the formulation and execution of state policy. States may not, however, arbitrarily restrict employment opportunities for permanent residents.

Although the Constitution does not outlaw discrimination against immigrants by private employers, such discrimination is generally prohibited by state and federal fair employment laws.

Education

Permanent resident aliens are on equal footing with U.S. citizens in terms of the right to public education. A 1971 Supreme Court ruling held that discrimination between citizens and permanent resident aliens in public educational institutions is unconstitutional.

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[43] Charles Gordon & Harry N. Rosenfield, Immigration Law and Procedures, Volume I, 1979 (New York, Matthew Bender), pp. 1-163.

[44] Ibid, pp. 1-163.

Furthermore, refugees are also eligible to apply under the regular programs of aid to students in institutions of higher education, administered by the U.S. Office of Education. These include the guaranteed student loan program, direct student loan program, basic educational opportunity grants, and supplementary educational opportunity grants.

Social Security and Medical Assistance

Aliens in the U.S. are generally entitled to receive government benefits, subject to the same eligibility qualifications as citizens. Alien eligibility for benefits varies in accordance with the authority administering the benefits. State and local governments, however, may not deny government benefits to U.S. permanent residents. The Supreme Court has ruled that individuals "lawfully in this country shall abide 'in any state' on an equality of legal privileges with all citizens under nondiscriminatory laws." The Court also determined that state legislation denying welfare benefits to aliens was unconstitutional "on the ground that such restrictions were a denial of equal protection and an infringement of the exclusive federal authority to control the immigration of aliens."

According to the Department of State, "practically all basic federally aided assistance programs are available to refugees if they meet the regular requirements for the program...including aid to families with dependent children (AFDC), Medicaid, social services, Food Stamps, and Supplemental Security Income (SSI)." In addition, all eligible aliens, regardless of their status, may receive some Medicare benefits. However, other Medicare benefits are limited to residents who are either citizens or permanent resident aliens who have lived in the U.S. for five years. The constitutionality of this residency requirement was challenged, but the Supreme Court ruled in 1975 that "it is unquestionably reasonable for Congress to make an alien's eligibility depend on the character and the duration of his residence..."

Migration and Resettlement Programs

Despite the Constitutional and statutory guarantees, it is often difficult for immigrants -- particularly refugees -- to be in a position where they can take advantage of their rights. The process of leaving one's homeland and resettling in a new country can be confusing and frightening for any individual; for those uprooted by war or natural disaster or fleeing persecution, it is especially so. In order to acclimate the refugee to American life with as little trauma as possible, special services are often required. The United States Government, together with various private voluntary agencies, undertakes to provide these services.

United States Government appropriations for programs for regugee and migration assistance totaled 559.7 million dollars for Fiscal Year 1979. This includes the American contribution to various multilateral bodies such as the International Committee of the Red Cross, the United Nations High Commission for Refugees and the Intergovernmental Committee for European Migration, as well as the administration of varied refugee relief programs here and abroad to assist in the care, maintenance, transportation and resettlement of refugees.

Intergovernmental Committee for European Migration (ICEM)

The Intergovernmental Committee for European Migration is an agency comprised of 33 member governments which has as its principal task the processing and movement of refugees and migrants for permanent resettlement. Initially, ICEM funds reduced cost transportation for refugees and migrants for permanent resettlement. Additional services include medical examinations, documentation and the payment of other expenses connected with their resettlement. The United States pays one-third of ICEM's administrative budget and approximately one-fifth of its operational budget. Since ICEM was formed in December of 1951, it has moved a total of 2,400,000 persons for permanent resettlement, 500,000 of whom were refugees resettled to the United States. The organization expects to move approximately 35,000 to 40,000 Soviet and East European refugees in 1979.

United Nations High Commission for Refugees (UNHCR)

The general program of the United Nations High Commission for Refugees covers refugee assistance activities worldwide. The form of assistance varies depending on geographical area, but usually involves the provision of international legal protection, resettlement and resettlement-related services such as food, shelter, medical care, education and training. Approximately 80 governments contribute to UNHCR with the United States paying nearly 25 percent of the total budget.

International Committee of the Red Cross (ICRC)

In addition to its continuing role under the Geneva Conventions of 1949 for the protection of prisoners of war and other war victims and its newer programs designed to aid political prisoners, the ICRC was given special recognition for its efforts in behalf of family reunification as proscribed in Basket III of the Final Act. Specifically, the Final Act calls on CSCE states to "support the efforts of the Red Cross and Red Crescent Societies concerned with the problems of family reunification." At present, Swiss government contributions make up half of the ICRC's budget, while the American contribution is about 15 percent.

United States Refugee Program (USRP)

The United States Refugee Program demonstrates the continuing interests of the American people in the plight of persons wishing to leave their homeland and in the principle of the free movement of peoples. These interests are consistent with U.S. commitments to the CSCE Final Act.

Under USRP, assistance is provided to refugees from communist-dominated countries in Eastern Europe and Asia. The principal objective of this assistance program is to facilitate the permanent resettlement of the refugees. Services to refugees under USRP are provided through U.S. Government contracts with various private American voluntary agencies. Among these are the Hebrew Immigrant Aid Society (HIAS), the International Rescue Committee, the Tolstoy Foundation, the American Fund for Czechoslovak Refugees, the American Joint Distribution Committee, the International Catholic Migration Commission, the Polish-American Immigration and Relief Committee and the World Council of Churches. Services available to refugees through these agencies include counseling, resettlement documentation and processing, language training in the asylum areas, transportation and reception and placement assistance. These services are provided both in the country of first asylum, as well as once the refugee arrives in the United States. The voluntary agencies, in addition, provide considerable financial support from their own funds to the refugee resettlement process.

Domestic Assistance Program

Since the early 1970's, the U.S. Government has spent approximately 20 million dollars annually for the resettlement of Soviet and East European refugees in Israel and only a small amount for this purpose in the U.S. In recent years, however, more and more Soviet and East European emigrants -- approximately 65 percent of those coming out -- eventually come to the United States. As a result, in 1978, the U.S. Congress allocated 20 million dollars for Fiscal Year 1979 under the Foreign Assistance and Related Appropriations Act for resettlement of Soviet and East European refugees in the U.S.

As set up by Congress, these funds are dispersed on a matching basis to private voluntary organizations through the Department of Health, Education and Welfare (HEW). These agencies are then responsible for administering a variety of refugee programs, specifically for those coming from the Soviet Union and Eastern Europe, including language and professional training and employment counseling.

This step taken by the U.S. Congress is clearly representative of the U.S. Government's determined effort to comply with CSCE Final Act provisions calling for the easing of refugee resettlement. In addition, the government resources now available are extremely useful to the administering private agencies which previously had to assume the major financial burden of resettling and integrating Soviet and East European refugees in the United States.

The first grants issued under this new program included one for eight million dollars provided jointly to the Hebrew Immigrant Aid Society (HIAS) and the Council of Jewish Federations, Inc. Refugees resettled by HIAS local cooperating resettlement agencies are offered the following services: financial support, housing, general orientation to life in the U.S., family counseling, English training, Jewish religious and cultural orientation, vocational counseling, job training and job placement. The ultimate aim of the local cooperating agency is to assist clients so that they may become productive, employed and well-adjusted new Americans. Statistics show that the majority (over 80 percent) of HIAS-sponsored clients are employed and self-sufficient by the eighth month after arrival. Another 10 percent are employed by the end of the twelfth month after arrival. A HIAS survey of two of its major resettlement communities -- New York and Chicago -- determined that in 1974 and 1975 only 2.5 percent of its clients needed to receive public welfare assistance, exclusive of Medicaid.

New Measures

The United States commitment, both public and private, to welcoming the homeless to our country and offering help to refugees is long-standing. Our responsibilities to immigrants from other CSCE states has been -- and continues to be -- met. Yet there is room for improvement in organizing these activities. For example, the practice of allocating funds for migration and resettlement assistance on a piecemeal basis and creating new programs for specific groups of refugees as a need develops constitutes neither a comprehensive nor uniform policy. The U.S. Government needs a comprehensive refugee policy in order to meet the needs of the growing number of refugees in the world.

The creation by President Jimmy Carter in early 1979 of the Office of Coordinator for Refugee Affairs in the State Department and the March of 1979 appointment of members to a Select Commission on Immigration and Refugee Policy are important steps toward developing that comprehensive policy. In addition, the Administration, in consultation with the Congress, has drafted specific legislation designed to improve the present situation.

Introduced into the Congress in March of 1979 by Senator Edward Kennedy (D.-Mass.) and Representatives Elizabeth Holtzman (D.-N.Y.) and Peter Rodino (D-N.J.), the pending legislation establishes an overall U.S. refugee resettlement and assistance policy. Senator Kennedy, commenting on the need for the legislation, said: "For too long our policy toward refugee assistance has been ad hoc, with refugees being admitted in fits and starts, and after long delays and great human suffering, because our existing immigration law is inadequate, discriminatory, and totally out of touch with today's needs. The Refugee Act (S. 643) will update our law governing the admission and resettlement of refugees. It will help insure greater equity in our treatment of refugees."

Specifically, the Refugee Act of 1979 provides for the regular admission of 50,000 refugees annually, instead of the current level of 17,400. In addition, the proposed law enables the President to exceed the level of 50,000 if he specifies the extra numbers needed prior to the beginning of the fiscal year and after consulting with Congress. In unforeseen emergency situations, that level can be lifted and the President, again after consultation with the Congress, can allow an additional number of refugees to be admitted.

This legislation, in the words of Ambassador Dick Clark, former U.S. Coordinator for Refugee Affairs, "acknowledges the size and diversity of the current refugee population by extending the definition of refugee beyond narrow geographic and ideological criteria. It essentially adopts the definition of the U.N. Protocol Relating to the Status of Refugees...It defines a refugee as someone outside his or her country who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion. This definition corresponds more closely to the situation that we now face."

Another major component of the legislation deals with refugee resettlement. The bill provides for uniform federal assistance for the refugee resettlement process and extends coverage to all refugees entering the United States. It specifies that the Federal Government will bear the full cost of resettling new refugees for the first two years after their arrival in the United States. This assistance will take the form of grants to public or private voluntary agencies for the placement, care and resettlement of refugees; funds for special project grants to assist adult refugees with English language training, vocational training and social services; and funds for special educational services for school-age refugees. The proposed Act provides for full federal support for a complete range of child welfare services -- available until the child reaches

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18 -- for children who enter the U.S. without a close adult relative. Other children would be eligible for such federally supported child welfare services during their first two years in the U.S. The legislation also provides for full federal reimbursement to the states for cash and medical assistance given to needy refugees during the first two years.

Another significant aspect of the legislation is the elimination of the two-year conditional status for refugees. Except for those admitted under the emergency provisions, all refugees will enter the United States as legal permanent residents from the day of their admission. This provision will also help eliminate discrimination against refugees in the job market and put them on equal footing with other immigrants in regard to eligibility for public services.

Conclusion

The CSCE Commission feels that the proposed Refugee Act of 1979, an amended version of which passed the Senate in September and is now before the House Judiciary Committee, is an important and timely reform and urges its early passage and enactment. Furthermore, the Commission urges that adequate levels of funding be appropriated to ensure that all provisions of the bill can be fully implemented. In light of the increasing number of refugees coming to the United States from the Soviet Union and Eastern Europe, such action would enable the United States to better fulfill its responsibilities to immigrants and refugees from other CSCE signatories, as well as help to relieve the suffering of thousands of individuals from both CSCE countries and other nations.

INFORMATION

The section of Basket III dealing with the flow of information focuses on two related themes. First, in order to further improve their relations the signatory states recognize the need for an untrammeled flow of information among them. It is assumed that the knowledge, familiarity and understanding gained through such an exchange will lessen tensions and reduce the danger of conflict. Thus, the Final Act calls upon signatories "to facilitate the freer and wider dissemination of information of all kinds kinds."

Secondly, the information section of Basket III deals with a topic inextricably linked to the goal of increasing the exchange of information: the improvement of working conditions for journalists. If they are to pursue their work in the most efficient manner, foreign reporters must have freedom of movement, both within their host country and across its borders; they must have access to a variety of sources, both public and private; and they must be free to work without interference should their articles meet with official displeasure.

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With these goals in mind, the CSCE states agreed to undertake measures aimed at easing the travel of journalists in their host country and at increasing the opportunities for journalists to communicate directly with their sources. They further agreed to grant resident journalists multiple entry and exit visas to facilitate travel into and from their respective countries. Finally, the signatories "reaffirmed that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them."

U.S. performance in meeting Final Act standards in this as in other areas by Soviet and East European CSCE states has been severely criticized.

One line of argumentation charges that Basket III's information provisions oblige the U.S. to import as many information materials, such as newspapers and magazines, from East European countries as these nations import from the United States.

Because the U.S. allegedly fails to meet this obligation, East European states suggest that an unfair advantage is being sought. On one hand, Americans use the Final Act to justify flooding East European countries with "U.S. propaganda materials," but on the other refuse to allow a reciprocal flow of Eastern media into the U.S.

The basis for a second major criticism of U.S. compliance be found in the varying interpretations given to Basket III information provisions. The Soviet Union and its Eastern allies point to Basket III preambular language which notes that the participating states have entered into their Basket III commitments out of a desire "to contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality." As a result, Eastern countries insist that all activities in the area of information exchange be conducted with a view to promoting these more "noble" aims.

This interpretation gives rise to the only major criticism lodged against U.S. compliance with Final Act provisions relating to the activities of journalists. Western journalists and their publications are repeatedly criticized for printing articles which, it is alleged, present a warped and biased view of life in the East. These journalists' repeated references to human rights violations in Eastern nations is not only unwarranted interference in Eastern internal affairs (See Principle VII) so the argument goes, but also part of a concerted propaganda campaign to discredit communist societies in the eyes of the world. Consequently, U.S. and Western journalists are said to be failing in their responsibility to further the aims of the Final Act as enunciated in the Basket III preamble.

U.S. compliance with the information provisions of the Final Act must be examined in the light of three issues, First, how accessible is foreign information to U.S. citizens? Is there a statistical imbalance that constitutes a U.S. failure to comply with the Final Act? Second, is the U.S. Government's record of CSCE compliance affected by what American journalists write and by what there papers print? Finally, how free are foreign journalists in the U.S. to pursue their professions without fear of interference?

Exchange of Information

U.S. performance in providing its citizens access to "information of all kinds" as called for in the Final Act is second to none. U.S. policy in this sphere -- grounded as it is in the constitutionally guaranteed freedoms of speech and the press -- ensures that U.S. citizens have access to virtually any information they desire. The United States Government imposes no artificial or political impediments to the import and dissemination of printed and other matter from other countries, and citizens have the opportunity to read, buy and subscribe to journals and newspapers regardless of their origin or political orientation.

This does not mean that there is absolutely no limit to the number and types of printed materials which Americans may find at their local newsstands. Such materials are distributed in the U.S. in accordance with the free market system of supply and demand. Private publishers and distributors, who are the importers and sellers of information products in the U.S., purchase such materials only in proportion to the public's demand for it. When East European states complain that their national media are not widely available in the U.S., they are in effect complaining that their material holds little interest for U.S. citizens.

Distribution problems notwithstanding, any person who wishes to read East European publications is completely free to obtain them in public and university libraries or through subscriptions. The Library of Congress, for example, makes available a wide variety of materials from countries of Eastern Europe, often in greater quantity than it does materials from other signatory states with whom the U.S. enjoys traditionally closer cultural and political ties. To illustrate, the Library's holdings of Bulgarian newspapers include 32 separate publications from 20 cities. This compares to 24 French newspapers from 20 cities. Figures for other East European countries include: 15 Czechoslovak newspapers, published in four cities; 12 GDR papers from four cities; 24 Hungarian papers from 18 cities; 42 Polish papers from 17 cities; 28 Romanian papers from 16 cities; and 103 Soviet papers from 17 cities. In addition, the

Library receives 1,394 journals and magazines from the Soviet Union, 918 from Poland and 238 from Bulgaria, to mention a few.

Probably the most efficient means of obtaining regular access to such materials is by using the many opportunities available for arranging subscriptions. East European exploitation of this possibility is evident in the direct-mail advertising campaign the Soviet Union has recently launched for several of its English language magazines. Offering "a chance to win an exciting, all-expense paid trip to Moscow" and "Soviet-made radios, watches and cameras," 200,000 letters have gone to U.S. recipients urging them to subscribe to Moscow News a Soviet news weekly. Igor Preferensky, Soviet commercial representative in charge of the campaign, says the mailing has been successful over the past few years in increasing U.S. subscriptions to the journal from only a few to 3,000.[45]

While the absence of centralized record-keeping facilities makes it virtually impossible to determine the exact number of subscriptions U.S. citizens and institutions hold to East European publications, an approximation can be made from U.S. Post Office statistics. These figures reflect by piece and weight count the amount of printed matter sent from and received in the United States in any given year.

Post Office tallies indicate that in most cases the statistical imbalance referred to in East European criticisms is either exaggerated or nonexistent. In only two instances, Bulgaria and Czechoslovakia, does the United States send more printed matter than it receives. With two Warsaw Pact nations -- Hungary and Poland -- the balance of exchange is roughly equal; and from the USSR and Romania the United States receives a significantly greater amount of printed matter than it sends.

The data by country are as follows:

Surface and Air Printed Matter Volumes for 1977

	Outbound from U.S.		Inbound to U.S.	
	Kilograms	Pieces	Kilograms	Pieces
USSR	349,589	1,091,767	1,083,056	3,741,465
Bulgaria	41,337	136,952	17,661	61,595
Czechoslovakia	512,999	1,716,430	66,146	230,508
Germany (GDR)	27,768	94,134	110,208	374,064
Hungary	156,969	507,431	163,334	586,636
Poland	266,424	779,767	247,045	803,977
Romania	41,686	128,920	71,659	228,724

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[45] New York Times, February 3, 1979.

Please note also that the outbound volume figures for the German Democratic Republic do not include airmail volumes, for which data are not available.

While such statistical comparisons may be an interesting exercise, they tend to obscure the real issue. While the Final Act seeks to facilitate the freer flow of information of all kinds, it does not suggest that this flow should take the form of government assured statistical reciprocity in the numbers of newspapers, books or films exchanged. No international agreement can provide newspapers or magazines guaranteed readership; it can, however, promote the removal of artificial obstacles to obtaining materials in which citizens demonstrate a genuine interest. United States performance in this area complies fully with the Final Act.

Working Conditions for Journalists

In attempting to improve working conditions for journalists, the Final Act focuses on measures to be taken by governments. Because it is a government-to-government accord, it does not attempt to set a standard of behavior for journalists, who, at least in the West, are private citizens. Thus, the Eastern claim that the Final Act prohibits journalists from writing on certain topics has no basis in the text of that document.

Basket III does, however, require nations to provide foreign journalists with as unrestrictive a working environment as possible. That the United States successfully meets this standard is apparent not only in the openness and flexibility of the U.S. news gathering system, but also in the host services the U.S. Government provides interested foreign journalists.

U.S. procedures regulating the movement of foreign journalists in the U.S. are determined on a basis of strict reciprocity. If foreign governments restrict the movements of U.S. journalists in their countries, the United States responds by imposing similar restrictions on the countries' journalists in the U.S.

It is indicative of the good relations existing between the U.S. and most CSCE participating states that few such restrictions remain in effect. In fact, the signing of the Final Act in 1975 provided the impetus for the United States to conclude with Czechoslovakia and Bulgaria agreements removing reciprocal controls on the movement of these countries' journalists. The Soviet Union is the only East European Final Act signatory which continued to restrict U.S. reporters' freedom of movement. In response, the U.S. has continued to impose analagous restrictions on Soviet correspondents in the U.S.

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The United States has also acted -- again, on a reciprocal basis -- to facilitate the travel of foreign journalists into the U.S. In conformity with Final Act commitments to grant permanently accredited journalists multiple entry and exit visas, the U.S. and USSR agreed in September of 1975 to issue reciprocal one year multiple entry/exit visas. Multiple entry visas (the U.S. does not require exit visas) are also extended to resident journalists from Czechoslovakia and Poland.

Although the German Democratic Republic, in 1977, proposed the reciprocal issuance of one year multiple entry visas to permanently accredited correspondents, GDR's unwillingness to accredit U.S. journalists residing in Bonn and West Berlin has delayed conclusion of an agreement. With correspondents from other Eastern participating states, the U.S. continues to require limited one-entry visas, a procedure that is most often followed when the two countries have not exchanged resident journalists.

Reciprocity also serves as the basis for establishing the cost of American visas. While the U.S. preference is to require no fee for the issuance of visas to foreign correspondents (a system that is in effect with Czechoslovakia and the USSR), journalists from some East European states continue, on the basis of reciprocity, to be assessed amounts ranging from $3 to $21.

Upon entering the United States, the foreign journalist is free to pursue his or her profession as he or she chooses. Additionally, the U.S. Government tries to facilitate this work in a variety of ways, including many not specifically called for in the Final Act. The U.S. International Communication Agency maintains two foreign press centers -- one in New York and one in Washington, D.C. -- which are designed to provide a wide variety of services to visiting correspondents. Among other things, the press centers set up interviews with representatives of both the private and public sectors (center staffs report few problems in arranging interviews with high government officials); arrange visits and tours around the U.S. on either an individual or group basis; organize periodic news conferences and background briefings by government officials and private personalities; and provide a wealth of resource materials. In addition, "live" coverage of high level Washington news conferences (those where seating may be limited) is facilitated through audio transmissions to the centers.

Finally, U.S. compliance with the Final Act provision reaffirming that journalists will not be expelled in "the legitimate pursuit of their professional activity" has met little criticism. Since the Final Act was signed, only one CSCE journalist -- a Soviet TASS correspondent -- has been asked to leave the United States. This action was taken in retaliation for a Soviet move expelling the Associated Press' Moscow bureau chief, allegedly for engaging in illegal currency transactions. Prior to his expulsion, however, the AP correspondent had been the target of a press campaign denouncing his contacts with Soviet human rights activists.

RADIO BROADCASTS

The activities of Radio Free Europe and Radio Liberty (RFE/RL) and the Voice of America (VOA) have long been the target of Soviet and East European criticism. The attacks against these radios essentially boil down to the general themes that U.S. broadcasts to the USSR and Eastern Europe violate the Helsinki accords by interfering in the internal affairs of those countries through the dissemination of hostile, subversive and slanderous reportage and information and by failing to promote the CSCE goal of mutual understanding between peoples. Soviet General Secretary Leonid Brezhnev personally charged, in June of 1976, that the existence of RFE/RL "is a direct challenge to the spirit and letter of the Helsinki accords."

More recently, the Soviet media have increased the attacks, emphasizing that the activities of the radios are part of the Carter Administration's human rights offensive and as such are an integral part of the "ideological offensive" and "psychological warfare" being waged against the socialist bloc. More detailed charges are also made. According to the Eastern media, hundreds of "notorious fascists" are employed by the radios, which incite subversive activities, including terrorist and other illegal actions. Another common theme which recurs frequently is that RFE/RL are still closely linked with the CIA. Finally, the presence of RFE/RL broadcast stations on the territory of other countries is characterized as an infringement of the national sovereignty of those nations.

Although most of the charges bear no relation to the Final Act, a comprehensive examination of the allegations produces some needed clarity in this area. First, it should be beyond dispute that the radios serve the Final Act's goal of achieving freer and wider dissemination of information of all kinds, especially in light of the restrictive, controlled nature of the media in the countries to which they broadcast. The charge that RFE/RL broadcasts interfere in the internal affairs of the receiving countries relies on a one-sided interpretation of Principle VI of Basket I's Declaration of Principles, which is in no way supported by the actual text of that Principle. The language of Principle VI clearly refers to armed intervention and acts of military, political and economic or other coercion and does not refer to legitimate radio broadcasts.

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RFE/RL are recognized by the world community as legitimate radios. The World Administration Radio Conference (WARC) of the International Telecommunications Union (ITU), to which all the Warsaw Pact states belong, has assigned RFE/RL specific wavelengths on which to broadcast. In his report to the Congress in March of 1977, President Carter noted that international broadcasting is a key element of United States foreign policy and emphasized that "our most crucial audiences for international broadcasting are in the Soviet Union and Eastern Europe where censorship and controlled media give the people of the area distorted or inadequate views of the U.S. as well as of crucial events within their own countries and in the world at large."

Radio Free Europe has been broadcasting to five East European nations -- Poland, Romania, Czechoslovakia, Hungary and Bulgaria -- since 1950. Radio Liberty began broadcasting to the Soviet Union in Russian and other indigenous languages (presently 15) in 1953. Both organizations originally received funding from the U.S. Government channeled through the CIA and from some private contributors. In 1971, all ties, financial and otherwise, with the CIA were severed. Direct Congressional appropriations were provided temporarily through the Department of State until passage of the Board for International Broadcasting (BIB) Act of 1973 which provides for funding through Congressional appropriations recommended by BIB. In October of 1976, RFE and RL were formally merged and chartered as a nonprofit educational organization. BIB, formally established in April of 1974, has been overseeing the activities of the radios since that time.

RFE/RL differ markedly in origin, programming and function from the Voice of America. VOA, as the broadcasting service of the International Communication Agency (formally USIA), is responsible for presenting well-rounded news coverage as well as projecting a balanced and comprehensive view of U.S. institutions, culture, society and official policies to a worldwide audience. RFE/RL, broadcasting solely to the Soviet Union and Eastern Europe, devote the bulk of their programming to developments within those countries or to matters of direct concern to them. Evidence that the peoples of the USSR and Eastern Europe do not consider the broadcasts of RFE/RL and VOA as an unwelcome intrusion in their lives is reflected in the large number of people who tune in to these broadcasts. In the course of an average week, some 33 to 35 million persons in these countries listen to RFE/RL broadcasts. On a typical day, approximately 14 to 16 million people tune in, many on a regular basis. VOA, which is not jammed, reaches about 40 million listeners a week in this area. In Eastern Europe, where jamming is less prevalent than in the Soviet Union, more than 26 million people listen to RFE in the course of an average week, or more than 12 million listeners on a typical day. In the Soviet Union, due to heavy jamming and to the USSR's own powerful transmitters, RL's listening audience is somewhat less -- about 6,868,000 (3.8 percent of the adult population) during an average week, or 2,200,000 on an average day.

To ensure professional standards in their broadcasts, RFE/RL are obliged to operate within strict guidelines set forth in their program policy guidelines. According to this standard, the radios are to espouse no single specific political, economic or religious creed. They are to have no relationship to any political party or exile organization nor can they identify with any opposition groups or organizations located in the broadcast area. Broadcasts are to avoid emotionalism, vindictiveness and belligerency in tone and sweeping generalizations, propagandistic argumentation and unsupported criticism in substance. Furthermore, the radios are specifically forbidden to broadcast any information which could be construed as incitement to revolt, or as inflammatory. No material containing petty gossip or attacks on the personal lives of families of government or party leaders is to be used.

Overall, the quality of RFE/RL broadcasts appears consistent with the guidelines governing the tone and substance of the reporting. There have, of course, been exceptions. No radio enterprise broadcasting 980 hours a week, as do RFE/RL, can avoid making an occasional inaccuracy. Such errors, especially in reporting fast-breaking news events, are common to all news agencies.

In an effort to give the Soviets and East Europeans a chance to answer the broadcasts they find offensive, and as a "civilized alternative" to jamming, John Gronouski, chairman of the Board for International Broadcasting, suggested in 1978 that RFE/RL airtime be made available to officials of the Soviet Union and Eastern Europe for response or rebuttal. This proposal, however, was not taken up, possibly because it was misunderstood or proved too embarrassing. Within 72 hours, TASS, the Soviet news agency, dismissed it as a "deliberate provocation" and other Soviet and East European sources quickly followed suit. The situation therefore remains unchanged.

There is no objective evidence to support the accusation that RFE/RL consciously employ former members of fascist political organizations. Admittedly, there appear to have been a very few instances in which such individuals inadvertantly received temporary employment with the radios but there is nothing in the record to indicate that their backgrounds were known at the time of employment. By and large, the employees of the radios include highly trained research and broadcast personnel, and skilled emigrees, valuable for their language capabilities. The radios are directed by professionals with commercial and public service experience. The Board of Directors consists of distinguished people in such fields as journalism, broadcasting, diplomacy and law. The staff includes former executives and staff members of almost every major Western broadcast network and numerous leading American and West European daily newspapers.

In the view of many CSCE signatories, the jamming of radio broadcasts violates the spirit if not the letter of the Helsinki Final Act, the U.N. Universal Declaration of Human Rights and the Montreux Convention of the International Telecommunication Union (ITU). However, all of RL's broadcasts to the Soviet Union continue to be jammed, while RFE's broadcasts are jammed heavily in Czechoslovakia and Bulgaria and to a lesser extent in Poland. This is a costly enterprise involving approximately 3,000 transmitters jamming round the clock at a cost of over 300 million dollars a year. In 1977, the 23rd annual session of the ITU passed a resolution which strongly condemned jamming as a flagrant violation of the Final Act.

The flow of radio broadcasts is by no means one way. Many CSCE signatory states maintain official radios. Examples include the BBC in Great Britain, Deutsche Welle in the FRG, Radio Vienna and Radio Luxembourg. The Soviet Union, however, is the world leader in shortwave broadcasting. The USSR broadcasts around the world for about 2,000 hours a week in 84 languages. Radio broadcasts directed toward the U.S. from the Soviet Union include more than 60 hours a week in English and additional hours in Ukrainian, Lithuanian and Armenian. Regardless of the frequently blatant propaganda content of many of these broadcasts, no Western government, including the U.S., has ever jammed them. In light of this extensive activity, the Soviet and East European claim that foreign broadcasting constitutes interference in internal affairs takes on a hollow ring.

In addition, Soviets have from time to time intimated that the presence of RFE/RL transmitters on the territory of other states is an infringement of the national sovereignty of the countries involved. However, this allegation overlooks the fact that each of the sovereign countries involved has voluntarily admitted these transmitters to its territory.

A good example of the U.S. attitude to broadcasts of other nations in light of the Helsinki Final Act is the decision of radio station WSDR in Sterling, Ill., to carry the Radio Moscow program, "Moscow Mailbag," hosted by Joe Adamov. This show will be broadcast on a weekly basis and consists of a series of human interest stories, including criticism of the way the U.S. press handles news about Soviet dissidents.

Originally, it was feared that WSDR would be unable to broadcast the Radio Moscow material because of a U.S. regulation requiring registration of a foreign agent. The 1934 Federal Communications Act does not permit foreign agents to hold a

U.S. radio license. The issue was settled positively when the Justice Department ruled that, since the Radio Moscow programs were being provided free, WSDR could not be considered a "foreign agent." WSDR is only one of about 400 stations in the U.S. which receive Radio Moscow material.

The openness of the U.S. to printed and broadcast information from abroad, as well as the ease and freedom with which foreign journalists pursue their profession in the United States, attests to the high quality of U.S. compliance with CSCE information provisions. Criticism of U.S. performance in this sphere has come only from a few sources and even then it has been based largely on exaggerated charges and distorted interpretations of the Final Act.

Consequently, the Commission finds that the U.S. government is in essential compliance with the information provisions of the Final Act.

CULTURAL AND EDUCATIONAL EXCHANGES

The Final Act's provisions on cultural and educational exchange call for increased personal and institutional contacts by artists, students and scholars with their counterparts in other CSCE states. It also calls for increased access to one another's cultural life. Sections Three and Four of Basket III outline the basic goals contained in the Final Act in the areas of culture and education:

> "The participating states...disposed in this spirit to increase substantially their cultural exchanges... jointly set themselves...to promote access by all to respective cultural achievements (and) to develop contacts and cooperation among persons active in the field of culture.
>
> "The participating states (are) prepared to facilitate ...the further development of exchanges of knowledge and experience as well as of contacts...among persons engaged in education and science."

The cultural and educational sections of the Final Act also contain qualifying language which gives each state flexibility in CSCE implementation, shielding them from obligations -- moral, ideological, financial -- which they cannot meet. For example, the Final Act recognizes the limited nature of Western governments' participation in their nations' cultural life when it calls upon them only to 'promote' or 'encourage' greater exchanges of books, films and other cultural materials. By the same token, the Eastern practice of conducting exchanges on the basis of governmental agreements is acknowledged by language calling for the conclusion, "where appropriate," of "agreements on a bilateral or multilateral basis."

The difference in cultural systems and attitudes which these formulations reflect lies at the heart of the charges Eastern CSCE states have lodged against U.S. compliance in this sphere. At the Belgrade CSCE review meeting, Eastern delegations claimed that in the exchange of cultural items (as in that of information materials) the U.S. exported more than it received. As a consequence, Eastern publics are better acquainted with U.S. and Western books, films and other cultural items than are Western publics with Eastern culture. This situation has been alleged to demonstrate a U.S. failure to meet its Helsinki commitments.

In the education area, Eastern states have criticized both the lack of financial resources available for educational exchange activities and U.S. performance in meeting Final Act commitments to foster foreign language and international studies. In view of these circumstances, Eastern states have asserted that the United States should be doing more to "promote" and "encourage" exchanges.

The nature of these charges draws attention to the non-governmental character of the U.S. cultural and -- to a lesser degree -- educational system. Culture in the United States generally is a matter of individual taste and selection -- a private sector activity. While the role of government is somewhat greater in the educational field (particularly that of state and local government in primary and secondary education) the type of educational exchange programs which the Final Act stresses fall largely within the purview of the private sector. Therefore, the Federal Government can truly do little more than "promote, encourage" and try to persuade private groups, firms and state and local governments to pursue various exchange activities.

Role of the U.S. Government

The primary agent for cultural and educational affairs within the U.S. Government is the International Communication Agency (ICA). Formed in April of 1978 by the consolidation of the State Department's Bureau of Educational and Cultural Affairs (CU) and the U.S. Information Agency (USIA), ICA's premise, to quote President Carter, is "that it is in our national interest to encourage the sharing of ideas and cultural activities among the people of the United States and the people of other nations." In establishing the new agency, the President gave it five objectives:

"1. To encourage, aid and sponsor the broadest possible exchange of people and ideas between our country and other nations...

"2. To give foreign peoples the best possible understanding of our policies and our intentions, and sufficient information about American society and culture to comprehend why we have chosen certain policies over others...

"3. To help insure that our government adequately understands foreign public opinion and culture for policy-making purposes, and to assist individual Americans and institutions in learning about other nations and their cultures.

"4. To assist in the development and execution of a comprehensive national policy on international communciations, designed to allow and encourage the maximum flow of information and ideas among the peoples of the world. Such a policy must take into consideration the needs and sensitivities of others, as well as our own needs.

"5. To prepare for and conduct negotiations on cultural exchanges with other governments, aware always that the most effective sharing of culture, ideas and information comes between individual people rather than through formal acts of governments."

Two other federal bodies -- the National Endowment for the Arts and the National Endowment for the Humanities -- also play a major role in the cultural and educational life of the United States. However, these agencies have traditionally been involved in the support of creative and intellectual endeavors within the U.S. Until recently, the legislation which created NEA did not provide for that body's participation in international programs and projects. In 1976, however, Congress, in growing recognition of the importance of international cooperation as encouraged by the Final Act, broadened NEA's mandate to include international arts activities.

The National Endowment for the Humanities, on the other hand, has traditionally played a more active role in facilitating international educational activities. In the last six months, the Endowment has supported a variety of international activities, including a Russian art exhibition; a translation of Czech literature; the microfilming of Georgian archival materials; and a series of workshops for Washington state educators entitled, "Civic Issues in the Light of European Experience."

Finally, the Office of Education (OE) in the Department of Health, Education and Welfare, provides funds and grants in support of international study and research projects. OE monies support area studies centers in various universities and make possible the work of individual scholars.

Funding

Critics of U.S. compliance have charged that the United States fails to provide adequate financial support to Eastern exchange programs and activities. In fact, such detractors have noted that overall funding levels have not increased but decreased since the Final Act was signed in 1975.

While it is true that U.S. Government support for the exchanges did experience a temporary cutback in 1976, the trend since that time has been decidedly positive. Budget figures for the U.S. International Communication Agency (which is primarily responsible for supporting exchanges) show that funds for East European programs rose roughly one and one-half million dollars above previous levels in Fiscal Years 1978 and 1979. In addition, in 1978, Congress -- citing expanded U.S. commitments under the Helsinki accords -- directed the President "by a process of gradual expansion during the four year period beginning October 1, 1979, to increase significantly the financial resources expended annually by the International Communication Agency for exchange of persons activities."

Charges that the United States is providing increasingly less support for exchange activities are often provoked not by decreases in government spending, but by a reduction in monies available from another traditional source of funding -- private foundations. Hard-hit by investment losses and motivated by a desire to diversify their activities, the foundations have withdrawn support from some of the United States largest private exchange programs. Although the U.S. Government has increased its funding in an effort to compensate for these reductions, administrators have nonetheless been forced to seek other, often less generous, sources of support. Given the non-governmental nature of these exchange programs, the search for non-governmental sources of funding must continue. On balance, however, the U.S. Government, with its efforts to sustain these private programs, has exhibited a commitment to implementing the Final Act.

Nature of the Exchange Relationship

U.S. cultural and educational exchanges with CSCE countries fall primarily into two categories. Relations with West European states and, to a lesser extent, with Poland and Yugoslavia, are conducted in the absence of formal agreements and with a maximum of flexibility and private initiative. With some East European CSCE states, however, cultural relations are conducted on the basis of carefully monitored bilateral agreements. While the U.S. favors the former mode of interaction, viewing it as the more normal, open means of exchange (and thus more in conformity with the ultimate intent of the Final Act), it also recognizes the utility of formal agreements in developing exchange relations with certain CSCE countries. Thus, the United

States has entered into some type of formal exchange relationship with most East European CSCE states. While two of these agreements -- with the Soviet Union and Romania -- predate the signing of the Final Act, the level of exchange activity with each has intensified significantly since. Academic exchanges with the Soviet Union, for example, have roughly doubled in the post-Helsinki period.

In other cases, the Final Act has served as a catalyst for the conclusion of formal agreements where none existed before. The spring of 1977 saw the completion of negotiations on a soon-to-be-ratified agreement establishing formal cultural and educational ties with Hungary; and in March of 1978, the first bilateral exchange agreement between the U.S. and Bulgaria entered into force. Although similar negotiations were undertaken with Czechoslovakia, these talks stalled just short of agreement.

According to State Department officials, the Final Act was also a positive factor in establishing cultural relations with the German Democratic Republic. In 1976, the United States proposed that a bilateral exchange program be developed, to which the GDR responded favorably. The result has been a significant development of exchanges with this East European signatory.

Cultural Exchanges

In accordance with its Final Act obligations, the United States has sought to support exchanges which not only bring American citizens into personal contact with their counterparts in other CSCE states, but which foster also better awareness of the respective cultures of other states. While such contacts have always been fairly easily and spontaneously carried out between Americans and West Europeans, there have been few opportunities outside the context of formal programs for Americans and East Europeans to meet. The large number of private U.S. groups and institutions which have become involved in East-West exchange programs provides at least a partial measure of the successful impact of this support.[46] Hence, the support the United States gives to programs of East-West exchange forms a particularly important element of U.S. CSCE compliance.

Exchange of Persons

In the area of "citizens" exchange -- encouraged by the Final Act under a commitment to involve the broadest possible social groups in exchange activities -- the United States has facilitated meetings between U.S. and Eastern professional, youth and civic groups. U.S. Government support has assisted the Columbia University Translation Center in hosting Soviet translators and has made possible exchanges between the American Bar Association and Soviet jurists. The National 4-H Council has received government funds for its exchanges of young American, Hungarian, Polish and Soviet farmers, and the YMCA and American Council of Young Political Leaders (ACYPL) have used government support to exchange delegations with the USSR's Committee of Youth Organizations. ACYPL has also participated in exchanges with counterparts in Poland and Romania. Cooperation between persons active in the arts has also figured prominently in U.S. Government supported exchanges. Writers, artists, poets, film makers and musicians have received grants enabling them to establish contacts and working relationships with East European counterparts.

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[46] See Appendix XI.

The development of contacts between U.S. and Soviet theater directors provides a good example of the type of fruitful cooperation the U.S. Government has successfully promoted since the Final Act was signed in 1975. A government sponsored visit of San Francisco's American Conseratory Theatre to Moscow in 1975 led Soviet and American directors to begin an active round of exchanges. As a result, Soviet and American directors have worked in one another's theaters and there has been an upsurge in the frequency with which each country produces works from the other. As an outgrowth of these contacts, the entire company of the Moscow Arts Theatre is expected to visit the United States in 1980, and the American musical, "A Chorus Line," will have its premiere on Soviet and East European stages. Under an agreement being worked out between the Soviets and U.S. impressario Joseph Papp, "A Chorus Line" will be followed by an exchange of 10 contemporary Soviet and American productions. In all of these contacts, the U.S. Government has played an important role, providing travel funds and communication services.

The mix of private initiative and government support which the theater exchange reflects, represents the type of natural cultural relationship which the United States believes the Final Act seeks to encourage. This is a relationship that responds to audience appreciation and which is marked by the active involvement of the parties directly concerned -- be they theater directors or young farmers.

Performing Arts and Cultural Exhibitions

Such qualities are characteristic of exchanges not only of performing artists, but also of cultural exhibitions. Perhaps not coincidentally, these have also been two of the most active areas of post-Helsinki, East-West cultural cooperation. Too numerous to be listed in entirety, a few examples of such exchanges will give some indication of the wide exposure Eastern culture has received in the United States during just a few months in late 1978 and early 1979.

-- Michigan State University's Seventh International Season featured a number of East European performers, including pianist Andrzej Dutkiewicz from Poland; organist Ferdinand Klinda and pianist Klara Havlikova from Czechoslovakia; and pianist Nelly Akopian from the USSR. Hungarian cellist Csaba Onczay, Polish conductor Jerzy Salwarowski and Romanian conductor Emil Simon participated, and "The Whirlpool," an opera by Czechoslovak composer Eugen Suchon, was performed.

-- Under the sponsorship of the Smithsonian Institution's Traveling Exhibition Service, a Hungarian exhibit entitled "Art Nouveau" was presented in 10 U.S. cities between September of 1978 and the spring of 1979.

-- New York City was host to a Romanian Festival of Arts, held December 12-16, 1978. The program, which included films, folk ensembles, the Romanian Madrigal Choir and vocal soloists, was sponsored by the Romanian Embassy, the Romanian American Cultural Foundation of New York and the Concert Arts Society.

-- Early 1979 saw Poland's avant-garde company, "The Cricot-Two Theater," make its U.S. debut at New York's La Mama Theater.

-- "Splendor of Dresden: Five Centuries of Art Collecting, an Exhibition from the German Democratic Republic" drew critical acclaim and large crowds in its tour of the U.S. during 1978 and 1979. The exhibit, the first major GDR presentation of this type to be brought to the U.S., was also the subject of a public television documentary shown throughout the United States.

-- "Festival of Russian Dance," a collection of several Soviet folk troupes from Russia, Ukraine, Georgia and Moldovia arrived in January of 1979 for a 72-day tour of the U.S. Under the direction of Mikhail Godenko, director of the Krasnoyarsk Dance Company of Siberia, the troupes included 115 dancers.

-- Romanian theater director Liviu Ciulei directed Molieres "Don Juan" at Washington's Arena Stage in April of 1979.

-- April of 1979 saw a flourish of Bulgarian cultural activity in the United States. Bulgarian visitors included a folk dance ensemble, the Aprilov-Palauzov dancers from Gabrovo; Emil Tchakarov, who conducted the National Symphony Orchestra for three concerts in Washington, D.C.; and mezzo-soprano Marianna Paunova, who sang in "Eugene Onegin" at the Metropolitan Opera.

-- A Bulgarian Cultural Month, held in Pittsburgh from March 24 through April 29, 1979, featured Bulgarian music, films, exhibits and lectures. Participating were the Bulgarian National Folk Ensemble "Pirin," pianist Pavlina Dokovska and Bulgarian Fulbright Lecturer Dr. Lyubomira Parpulova. Nine Bulgarian films were shown, and four exhibits on Bulgarian culture displayed.

-- At the invitation of the U.S. Gymnastics Federation, a 14-member Soviet gymnastics team visited the United States in March of 1979 for 10 days of exhibitions.

-- A 44-member Soviet Circus Company opened a three-month U.S. tour in February of 1979.

-- The Czechoslovak mixed media presentation by the National Theater of Prague, entitled "The Enchanted Circus" (billed in the U.S. as "Coquelico"), opened a six-week run at New York City's 22 Steps during February of 1979.

-- The Bulgarian Philharmonic Orchestra performed 40 concerts on a nationwide tour during October and November of 1978.

-- Soviet folk singer Vladimir Vysotsky made his American debut during January of 1979 in New York City. He later performed in Boston, New Jersey and Philadelphia.

-- January of 1979 also saw the Hungarian "Rajko" Gypsy Orchestra, Dancers and Singers begin a nationwide tour.

-- The 21-member Polish National Acrobatic Team began a national tour in January of 1979.

-- A Soviet company, "Stars of the Bolshoi and Stanislavsky Ballet Theaters," toured the U.S. for two weeks during December of 1978, performing in New York City, Utica, Tallahassee, Pittsburgh and Chicago.

-- An exhibition of contemporary Bulgarian paintings was shown in Washington, D.C. during December of 1978.

-- An exhibition of Polish posters opened its U.S. tour at South Bend, Indiana in October of 1978.

-- "Treasures from the Kremlin: An Exhibition from the State Museums of the Moscow Kremlin" opened May 19, 1979, at the Metropolitan Museum of Art in New York. The show -- the fourth in a 1974 cultural exchange agreement between the Metropolitan and the museums of the Soviet Union in 1974 -- was accompanied to the U.S. by a sister exhibit from Leningrad's Hermitage Museum. The Leningrad exhibit, which opened in Washington's National Gallery, included the Soviet Union's only painting by master Leonardo da Vinci.

East European ethnic groups have made a major contribution to this type of activity, frequently sponsoring folk festivals, art exhibitions and cultural presentations from their native lands. Such groups have also turned their attention to another aspect of educating Americans about East European ethnic cultures -- discouraging denigrating portrayals of various ethnic and racial cultures in entertainment media. Long plagued by the phenomenon known as 'Polish jokes,' Polish Americans have become particularly active in this sphere, spurred on in part by the recent release of the movie "The End." This film's use of Polish jokes was found to be offensive not only by many Americans, but by the Polish Government as well.

Unfortunately, while the U.S. Government does not condone such questionable humor, it has no legal authority to prevent its use. The Commission believes, however, that disparaging portrayals of racial or ethnic groups -- whether in jokes or in motion pictures -- reflect a cultural ignorance and insensitivity which the Final Act seeks to dispell. The Commission hopes that private efforts to eradicate such phenomena will continue and that they will be successful.

Publishing

Charges that U.S. publishers do not publish as much East European literature as these states do U.S. literature, appear to be fairly accurate. Certainly the national literatures of Bulgaria or Romania, for example, are little known in the U.S.

The reasons for this apparent neglect, American publishers maintain, can becfound in the lack of success such publications enjoy in the highly competitive U.S. book market. At the same time, publishers have shown greater interest in Eastern book markets since the Final Act was signed in 1975. Evidence of this interest can be seen in such developments as the Association of American Publishers' (AAP) decision in 1977 to establish a Trade with Eastern Europe Committee or the prospective participation of 153 U.S. publishers in the September of 1979 Moscow Book Fair.

The role of the U.S. Government in this type of activity has increased substantially since the Final Act was signed in 1975. In 1976 and 1977, for example, the Government provided assistance to the AAP in arranging meetings with Soviet publishers -- contacts which have led to the conclusion of a number of publishing contracts. The Government also funded the travel of a delegation of Association of American University Presses (AAUP) representatives to the 1977 Moscow Book Fair and in subsequent visits to Poland, Hungary and Romania. With government support, the AAUP has announced its inention to host return delegations from these countries.

International Communication Agency support has also been instrumental in broadening contacts between American and East European authors, in exchanges that have a direct impact on the level of American awareness of, and interest in, East European literature. For example, ICA assisted the University of Kansas in successful efforts to expand its writers' exchange program with the USSR. Similar writers' exchange programs at the University of Iowa and Oberlin College have brought authors from Bulgaria, Czechoslovakia, Poland, Hungary, Romania and the GDR to the United States.

Given the recent nature of most of these contacts, however, it is not surprising that significant purchases of Eastern literature have not yet appeared to erase the statistical imbalance Eastern states charge exists. The mere fact that the U.S. publishing business is so much larger than those in Eastern Europe will undoubtedly serve to preserve some sort of statistical inequality for years to come. On the other hand, where publishing contacts have been particularly active -- as between AAP members and Soviet publishers -- significant progress has been made.

Since the Final Act was signed, for example, several U.S. firms have announced plans to publish works by leading contemporary Soviet authors, among them Vasily Shukshin and Fasil Iskandr. Harper and Row has signed contracts to publish Troepolsky's White Bim -- Black Ear (also a motion picture recently nominated for a U.S. Academy Award) and Bulat Okudzhava's Journey of the Dilletantes. Farrar, Straus and Giroux will be publishing an anthology of contemporary Soviet prose, including works by Abramov, Shukshin, Bitov, Bogomolov, Tendryakov and Rasputin. Simon and Schuster has printed Leonid Brezhnev's official biography as well as another Brezhnev work. Schuster has also contracted to publish two works by Yuri Trifonov, Another Life and The House on the Embankment.

Trifonov, commenting on this rash of publishing activity, has noted that American publishers seem to be discovering official Soviet authors, a development he attributes to the spirit of Helsinki.

Although U.S. publishers appear to be displaying an ever livelier post-Helsinki interest in works by Soviet authors, complaints persist that the 50 or so Soviet titles published yearly in the U.S. seem meager in comparison with the 200 plus American titles put out in the USSR in the same period. However, Professor Leo Gruliow, in a study prepared for the International Communication Agency, urges a new perspective on the problem.

Pointing to the differences between the U.S. and Soviet book markets, Professor Gruliow notes that when a book is published in the Soviet Union, it is normally available only as long as the original printing lasts. Therefore, a listing of new titles published in the USSR in a given year is, in effect, a listing of the total number of titles available. American publishers, on the other hand, are more likely to maintain books in print for long periods, with the result that a listing of one year's new titles usually accounts for only a small proportion of the total market.

When allowing for this discrepancy in publishing practices, Professor Gruliow finds that in 1978, 230 American works were available to Soviet readers, as compared to 494 Soviet and Russian works available to American readers. Moreover, this count of 494 titles does not reflect the 354 works the Soviets themselves have translated and made available to Americans through just one of a number of Soviet book outlets operating in the U.S. In contrast, Soviet readers have no access to American works in the original. There are no foreign book outlets and foreign publications cannot be ordered directly.

Thus, two conclusions can be reached regarding the status of U.S. compliance with CSCE commitments to increase book exchanges. First, the Final Act calls on CSCE governments to 'promote' and 'encourage' publishing activities as well as to provide unrestricted access to the written products of other CSCE states. Both of these goals have been actively pursued by the U.S. Government. The International Communciation Agency has facilitated meetings and contacts among U.S. and Eastern publishers and authors. The National Endowment for the Humanities, in a slightly different approach, has funded actual translations of Eastern scholarly and literary works. Together the two agencies have ensured that U.S. support of publishing activities has been that required by the Final Act.

The second part of the Final Act's directive -- to provide access to other CSCE states cultural products -- presents a more complex problem. Eastern states, noting that U.S. publishers purchase fewer East European works than East European publishers do American works, assert that the U.S. is failing to provide its citizens access to Eastern products. On the other hand, the U.S. imposes no restrictions on what its citizens may buy or read. In addition, the American book market is open to those with the desire and the resources to exploit it. As a result, it can be fairly claimed that U.S. performance in providing access is also in conformity with the Final Act.

Films

The exchange and greater dissemination of films remains one area in which U.S. CSCE implementation does not appear to rival that of Eastern states. Soviet and East European films, although now appearing in U.S. cinemas in greater numbers than a few years ago, generally continue to hold little appeal for U.S. audiences. American films and TV programs, on the other hand, enjoy considerable popularity throughout the world. This state of affairs has led again to cries of statistical imbalance, and to charges of U.S. failure to comply with the CSCE Final Act.

While, in general, there does appear to be some substance to these charges, the problem is somewhat more complex than depicted. The diversified nature of film distributing in the United States makes it virtually impossible to obtain an accurate accounting of the total numbers of Soviet and East European films available for theater showing in the U.S. Partial tabulations indicate, however, that the problem is not that such films are unobtainable, but that, for commercial reasons, major theaters are unwilling to screen them. This is a result, Easterners say, of the inadequacy of U.S. distributors' advertising and promotional efforts. However, even when distributors have mounted extensive, and expensive, advertising campaigns -- as was recently the case with the Soviet production _The Slave of Love_ -- the films have rarely recouped their expenses much less earned a profit. Industry sources report, for example, that _The Slave of Love,_ which received more press and media attention than perhaps any Eastern film to date, lost several hundred thousand dollars at the box office.

To put the problem in perspective, however, U.S. distributors point out that it is difficult to sell any foreign film (the rare French or Italian offering being the exception) to the U.S. mass market. On the other hand, much East European cinema is of high quality (six such films have been nominated for Academy Awards since 1975) and it enjoys wide exposure among specialized audiences -- in museums, universities and arts theaters.

Since 1975, Washington's American Film Institute has, for example, presented a number of festivals featuring films from the Soviet Union (including a cycle from Georgia), Poland, Czechoslovakia and Bulgaria. On the West coast, Los Angeles' Berkley Cinema recently ran a series of modern Soviet films including, among others, "Sweet Woman," "The White Ship" and "They Fought for their Motherland." The Kosciuzko Foundation, a private organization devoted to promoting awareness of Polish culture in the United States, is a frequent sponsor of Polish film showings and cultural events, and recently sponsored a festival of Polish director Andrzej Wajda films at Hunter College in New York. A series of Bulgarian films highlighted Dusquesne Unviersity's "Bulgarian Cultural Month," held in Pittsburgh March 24 - April 29, 1979.

In 1976, New York's Museum of Modern Art held a retrospective of East German films and a series of Hungarian films is planned for the fall of 1979.

The Pacific Film Archive in Berkley, California is another frequent sponsor of East European cinema. Most notably, the Archive co-sponsored a series, "New Films from Eastern Europe," at the 1978 San Francisco International Film Festival. The program included offerings from each East European CSCE state as well as a special tribute to GDR documentary directors Andrew and Annelie Thorndike.

The foregoing is not, of course, a complete listing of all such activities. However, these types of showings -- at universities and arts centers -- ensure that East European cinema reaches a larger number of viewers than would seem the case if one considers only the commercial film market On the other hand, the bulk of American audiences do remain sadly ignorant of East European film.

In an attempt to increase the market for such films, ICA has proposed exchanges of Soviet and American film festivals and specialists, as a means of cultivating the interest and audiences necessary for increased film exchange. Although the Soviet response has been lukewarm ICA should continue to place special emphasis on exchanges of this type and should expand its proposals to include other nations of Eastern Europe as well.

Educational Exchange

The U.S. Government provides support for a variety of educational exchange programs involving citizens not only of the United States, but of other CSCE nations as well. The oldest, and most prestigious, government-financed program is known popularly as the Fulbright, or Fulbright-Hayes, scholarship program. The exchange, which had its beginnings in limited legislative acts of the late 1940's, has since brought approximately 80,000 foreign and 45,000 American graduate students, scholars, lecturers and teachers to universities in the U.S. and abroad.

Until recently, East European exchanges made up only a small proportion of the total program. Since the Final Act was signed, however, this percentage has increased steadily -- from 13.4 percent of the worldwide total in 1976 to 17.9 percent in 1978. The total commitment of funds to the East European exchanges has also shown a steady increase. In 1976, the International Communication Agency spent $2,173,351 to exchange 383 scholars and lecturers. In 1978, the figure was $3,232,257, an amount that facilitated the travel and study of 504 persons.

The U.S. Government has also provided funds for a number of projects involving educational themes. ICA's International Visitor Program for example, has facilitated contacts and exchanges among delegations of U.S. and East European librarians and teachers, as well as specialists in vocational-technical, early childhood and higher education. Grants awarded under this program have been instrumental in effecting the conclusion of direct exchange agreements between a number of U.S. and East

European universities, among them, Rutgers, Kiev, SUNY, Moscow State, Warsaw and Kansas. As a measure of the success of such contacts, it is worth noting that there are now four direct exchange agreements between U.S. and Soviet universities and more than 30 between U.S. and Polish universities. All of the Soviet and many of the Polish agreements have been concluded since the Final Act was signed.

Finally, with grants-in-aid to private institutions, ICA gives support for exchanges organized and directed by private organizations. Under one grant of this type, four U.S. institutions (the National Council for Social Studies, the Council of Chief State School Officers, the American Association for the Advancement of Slavic Studies and the Association of American Publishers) have joined Soviet counterparts in a study evaluating each country's textbook presentation of the other.

Perhaps the best known of these private exchanges is the program conducted by the International Research and Exchanges Board (IREX). One of the most extensive educational exchanges the U.S. maintains with Eastern Europe, IREX programs include scholars from the USSR, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland and Romania. As private funding from the Ford Foundation for IREX has diminished, government support through ICA has increased -- from $629,730 in 1975 to $1,151,827 in 1978-1979. Similarly, grants to IREX from another government agency, the National Endowment for the Humanities, have also increased.

Another academic exchange program which has begun, in the face of increasing economic difficulties, to receive ICA support is that of the Council on International Educational Exchange (CIEE). Also a recipient of Office of Education funds, CIEE makes possible a semester or summer of study in the USSR for approximately 215 American students a year. Since the Final Act was signed, U.S. universities and consortia have concluded more than 20 new agreements with institutions in the Soviet Union, Poland, Hungary and Romania. While these kinds of exchanges are rapidly increasing, the U.S. Government cannot, and should not, be expected to, support them all. As with exchanges between American and West European universities, East European programs must also be sustained by the interest and support of the academic community itself.

Where it has been unable to provide program funds, however, the U.S. Government has sought to help administrators with technical assistance and advice. An official of the American Council of Teachers of Russian (ACTR), a group which conducts a program at Moscow's Pushkin Institute, recently said, "Although the (ACTR) program is not in any sense governmental and has qualified so far for no IREX or State Department (ICA) support, it has enjoyed the moral support and advice of the

Bureau of Educational and Cultural Affairs of the Department of State and the International Communication Agency and has worked in close cooperation with the Cultural Affairs Officer of the American Embassy in Moscow."

Finally, the U.S. commitment to fulfilling CSCE provisions calling for increased mutual understanding through educational exchange is seen in the sheer numbers of American students who have traveled to East European states on government supported programs. Unfortunately, a smaller number of East European students have made the return trip. Under the CIEE program alone, 221 U.S. undergraduate and graduate students were able to study in the USSR in 1978 for periods of longer than two months. In the return direction, only 42 Soviet students visited the U.S. in a delegation that stayed only a few weeks and visited four different universities.

The fact that the U.S. Government has supported private programs and activities at the same time it has been conducting its own exchanges under the Fulbright-Hayes program is indicative of the high priority the U.S. Government places on international educational activity and on fulfilling its CSCE commitments. Many of the private programs which form the cornerstone of East-West educational exchange, however, are severely threatened by funding shortages. While it is not recommended that the U.S. Government indiscriminately increase its support of these programs -- some of which may not be qualitatively deserving of such support -- the government should work with administrators in seeking new sources and methods of funding.

Foreign Language and International Studies

As critics have charged, the current level of foreign language and international studies in the U.S. indeed falls short of CSCE standards. A few statistics illustrate the degree to which the study of foreign languages and cultures has declined in recent years:

-- Nine out of 10 Americans cannot speak, read or effectively understand any language but English.

-- Only 15 percent of 1976 entering college freshmen said their high school programs prepared them very well in foreign languages.

-- One-fifth of public high schools offer no foreign language at all.

-- American institutions of higher education requiring a foreign language for admission or graduation declined from 73 percent to 53 percent between 1967 and 1974.

The decrease in foreign language study in the U.S. has affected all the major European languages -- Spanish, French, German, Italian and Russian, although enrollments in Russian have not dropped as severely as those in French and German. Given the significant drop in enrollments in these 'commonly studied' languages, it is hardly surprising that the study of 'less widely spoken languages' encouraged by the Final Act has not increased.

On the other hand, U.S. Government efforts have sought to maintain such studies at least at a constant level. Under the National Defense Education Act (NDEA), the U.S. Office of Education provides scholarship and institutional support to centers devoted to the study of these lesser known areas. In 1977, for example, the Foreign Language and Area Studies Fellowship Program supported the study of such less widely spoken CSCE languages as Czech, Hungarian, Polish, Romanian, Serbo-Croatian, Ukrainian, Armenian, Bulgarian, Greek, Estonian, Finnish and Lithuanian. In Fiscal Year 1979, Congress increased the NDEA appropriation to its highest level in the history of the program.

It is evident, however, that these programs alone are not enough to reverse the trend toward declining enrollments. Many factors serve to produce this state of affairs. The relative geographic isolation of the United States and the dominance of English as an international language have reduced interest in strong language and area studies in the U.S. This, combined with the difficulties language and area studies graduates experience in the job market, has eroded both student interest and public support for these fields of study.

The problem is one, however, that U.S. Government officials and policymakers are taking steps to solve. For example, efforts of the CSCE Commission, led by Commissioner Paul Simon, resulted in the establishment of the President's Commission on Foreign Language and International Studies. The 25 Commission members appointed by the President on September 15, 1978, were charged with recommending ways to strengthen and improve the study of foreign langauge and international studies in four areas: public awareness; needs for language and area specialists; appropriate study programs for all educational levels; and resources and legislation required to accomplish the task. The Commission's Final Report, issued as this study went to press on November 7, 1979, presented a comprehensive program for rejuvenating U.S. language and area studies. Both the President and Congress should place a high priority on implementing the most practical and feasible of the Commission's recommendations.

In a related effort to develop global awareness in the U.S. Congress established (with the Educational Amendments of 1976) Section 603 of NDEA, Title VI, to "...increase the understanding of students in the United States about the cultures and actions of other nations in order to better evaluate the international and domestic impact of major national policies." Currently in its first year of funding this program will support elementary and secondary school projects designed to increase students' international awareness and understanding.

Scientific Exchange

Although official U.S. scientific cooperation with Eastern Europe has been treated at length elsewhere in this report, the non-governmental exchange programs administered by the U.S. National Academy of Sciences (NAS) are an important element of U.S. cooperation under the Final Act. Exchanges between the National Academy and its East European counterparts began in 1959 when NAS and the Soviet Academy of Sciences signed the first scientific cooperative agreement between the United States and an East European country. Since that time, agreements have been concluded with the National Academies of all the East European CSCE states. Exchanges under the most recent -- that with the German Democratic Academy -- began in September of 1978.

The Interacademy exchanges have made it possible for scientists from the U.S. and Eastern Europe to join efforts in a number of basic scientific fields, among them mathematics, chemistry, physics and biology. The scope of interaction has ranged from exchanges of individual scientists and the sharing of scientific information, to the holding of joint seminars and symposia. In 1978, for example, 185 American and East European scientists engaged in exchange visits which lasted a combined total of 505.5 months. (Interacademy exchanges are administered under a system of quotas expressed in months rather than participants). Also in 1978, the Soviet and American academies conducted a joint symposium, "New Directions in Biology: Biological Membranes," the fourth meeting in a series begun in 1975.

The U.S. Government's commitment to promoting scientific cooperation is underscored by the fact that the Academy exchanges are funded by grants from the National Science Foundation (NSF) -- the primary government agency for promoting scientific research and education in the U.S. In addition to the Academy exchanges, NSF funds a number of the official bilateral agreements the U.S. has concluded with East European CSCE states. This latter fact, coupled with a general falling off in budgetary support for scientific research over the last several years, has led the Foundation to approach with caution proposals to increase and modify the Academy's exchanges. As a result, quotas under the agreements have, with one exception, remained fairly constant since the Final Act was signed --

despite the oft-expressed willingness of many of the East European academies to increase the levels. In the one exception, U.S.-Soviet quotas underwent a 50 percent increase in 1975 which could not be sustained in subsequent years. Funding problems made it necessary to return to the previous levels in 1976.

Although the double burden the United States Government has assumed in funding both the Interacademy and the official bilateral exchanges speaks well for U.S. CSCE compliance, the quality of this compliance has been damaged by U.S. funding problems. Consideration should, therefore, be given to providing more funds to the Academy programs.

Multilateral Activites

U.S. involvement in multilateral cultural and educational activities mentioned in the Final Act is ensured by U.S. participation in a variety of United Nations Educational, Scientific and Cultural Organization (UNESCO) projects. Although UNESCO coordinates many such activities, two recent projects have particular relevance to U.S. CSCE compliance.

In December of 1978, the U.S. participated in a UNESCO Conference of Governmental Experts, held in Paris, to draft a convention on the recognition of studies, diplomas and degrees in higher education in UNESCO's European region (a region that includes all CSCE states). Mutual recognition of diplomas and degrees awarded by universities in the CSCE states has been a subject of particular interest to Soviet and East European educators whose students often face difficulties when enrolling in Western institutions. Although the autonomous structure of the American university system limits the degree of commitment the United States Government can make in this sphere, U.S. participation in December's conference signals a willingness to develop solutions that will meet Final Act criteria.

U.S. performance in meeting a second Final Act recommendation has been sporadic. The Cultural Exchange Chapter of Basket III specifically calls upon CSCE states to convene meetings of experts within UNESCO to consider the establishment of a CSCE Cultural Data Bank -- a sort of cultural information clearinghouse which would further facilitate joint cultural activities. The U.S. has not participated in either of the two meetings UNESCO has convened on this subject as concerned institutions and organizations felt that any outcome would have little or no applicability to us, given the wide diversity of the U.S. cultural scene. Nor has it been possible to supply data bank organizers with all of the information they have requested due to the fact that cultural activities in the U.S. are conducted by a tremendous variety of groups and organizations, the majority of whom are in the private sector. No central cultural coordinating body exists to provide the type of information UNESCO requires and private sector cooperation is often impossible to obtain. In this instance, the U.S. decentralized system diminishes the effectiveness of efforts to comply with this particular Final Act recommendation.

Conclusion

The period since the CSCE Final Act was signed in Helsinki in August of 1975 has witnessed a general expansion and strengthening of cultural and educational relations between the United States and other CSCE states. This expansion is particularly striking in the case of the East European states which have accused the U.S. of not living up to its Helsinki commitments. Though there are still weak spots in the U.S. performance, progress can nonetheless be seen in a variety of developments.

Contacts between U.S. and Eastern publishers -- particularly those from the USSR -- have expanded significantly, often with concrete, long-term results. The post-Helsinki period has seen the initiation of regular meetings between U.S. and Soviet writers; the institution of Interacademy scientific exchanges with the German Democratic Republic; and the conclusion of official bilateral exchange agreements with Hungary and Bulgaria. More East European films have been nominated for U.S. Academy Awards since the Final Act was signed than during any comparable period before or after the Prague Spring. Finally, relations between U.S. and Eastern universities have greatly expanded with the conclusion of direct exchange agreements in unprecedented numbers.

The U.S. Government has been a strong promoter of these and other activities. Although several problem areas -- among them the status of foreign language and international studies in the U.S. -- remain to be addressed effectively, the trend toward increased contacts and greater mutual awareness has corresponded to the spirit of the Final Act.

This assessment does not imply, however, that further efforts -- both public and private -- are not needed. Congress and the Administration should give full consideration to implementing the recommendations to be contained in the Final Report of the President's Commission on Foreign Language and International Studies. In addition, the U.S. International Communication Agency should turn more attention to increasing film exchanges and ensuring continued adequate funding for academic exchanges. ICA should also give consideration to the prospects for expanding cultural exchange programs with Eastern Europe to include the variety of activities currently observed in the Soviet programs. Consideration should also be given to the feasibility of increasing funding for the Interacademy exchanges and the Department of State should improve the U.S. record of participation in UNESCO activities endorsed by the Final Act -- particularly U.S. involvement in the Cultural Data Bank.

CONCLUSION - CHAPTER 5

U. S. Compliance with Basket III of the Final Act has been marked by continuing adherence to the principles of freedom of movement for people, information and ideas. Like other CSCE states, the United States cannot yet claim full implementation of these provisions. On the other hand, its performance in meeting Basket III goals has been among the best of the participating states.

In the area of information exchange, the U.S. ranks second to none in the degree to which its borders are open to newspapers, journals and radio broadcasts from other countries -- irrespective of their political systems or attitudes towards the U.S. Moreover, cultural and educational exchanges with other CSCE signatories, particularly those in Eastern Europe, have grown significantly since the Final Act was signed in 1975.

In the post-Helsinki period, American citizens have remained free to leave and enter the country at will as the last restrictions to travel to a limited number of countries were removed in 1977. In addition, the U.S. has continued to accept large numbers of refugees from all over the world each year.

Yet it is in this area -- freedom of travel -- that the U.S. record seems most in need of improvement. While every country maintains controls on the entry of foreigners, specific U.S. visa policies do appear to be somewhat more restrictive than necessary. This is moreover, a view which has come to be shared by a large number of policy-makers, both in Congress and the Administration. Therefore, the Commission has recommended that the Select Commission on Immigration and Refugee Policies take U.S. CSCE commitments into account when proposing reforms for U.S. visa laws. In addition, speedy passage and enactment of the Refugee Act of 1979 would greatly improve U.S. policies toward prospective and actual immigrants.

With these changes, U.S. compliance with Basket III would more fully correspond to the principles the Final Act has long espoused.

CHAPTER SIX

OVERALL CONCLUSION

Implementation of the Helsinki Final Act is a continuous process. None of the 35 participating states are in total compliance with each and every provision of this unique political agreement. Consequently, there will always be room for improvement, varying in subject and degree from country to country. The level of compliance, therefore, is less important than the effort each state makes to improve its record. Countries such as the United States, with a relatively high level of compliance, are under no less obligation to improve than other countries. Improved compliance depends both on expanded fulfillment of existing provisions as well as avoidance of actions which would run counter to those provisions. Clearly the most egregious violations are those which result from deliberate, contemptuous disregard of the letter and spirit of the Final Act.

As the United States willingly acknowledged at the Belgrade review meeting, the U.S. implementation record, like the records of other CSCE states, is not perfect. However, it is clear from this comprehensive (although inevitably less than exhaustive) study, that overall U.S. performance is very good. More importantly, the efforts undertaken by the U.S. Government and private groups since the Final Act was signed in 1975 reveal a consistent striving for improvement. As one private civil rights organization has pointed out: " There are limitless opportunities structured into American society and its institutions to provide oversight, public criticism and governmental correctives for practices deemed to violate the sense of the Helsinki accords. There are scores of private and public agencies in the United States monitoring, year-round, the degree of compliance of American institutions.... There are also governmental agencies that actively monitor with administrative, judicial and legislative power, the practices of both private and public entities."

At the same time, there are areas where additional improvement is needed to bring the U.S. closer to full compliance with its obligations under the Final Act. This report has discussed U.S. shortcomings, as well as improvements, in some detail and has offered recommendations, where appropriate, for further improvement. We trust that these observations and recommendations will be given careful consideration by responsible governmental bodies. Of course, there are limitations on the Federal Government's authority to order compliance with specific provisions of the Final Act. One such limitation arises from the American system of divided powers which, although designed to protect individual freedom, divides authority between the three branches of the Federal Government on the one hand and between federal, state and local government on the other. Another restriction stems from the limited power of the U.S. Government over private citizens and groups -- another Constitutional guarantee of individual liberty.

To make these observations is not to argue that the U.S. is any less obligated to fulfill its commitments under the Helsinki Final Act. The American system is sufficiently flexible and resilient to assure that the necessary improvements can be accomplished. However, to overcome these obstacles, the Federal Government and interested private groups will need to make a special effort to develop greater public awareness and understanding for the goals of CSCE. The Commission is encouraged that through the personal efforts of the President, the work of newly formed private monitoring groups and other developments, there is a growing sensitivity and willingness to cooperate throughout the government and the private community in fulfilling U.S. commitments under the Helsinki accords. To foster this trend and to assist in future monitoring and implementation of the Final Act, the Commission welcomes comments and suggestions on this report from other CSCE states, from government organizations and private groups and from individual citizens who, in the last analysis, should be the beneficiaries of whatever measure of success CSCE achieves.

The Commission hopes that, at a minimum, this report will serve three purposes. First, it will demonstrate the good faith of the United States in conscientiously examining its own implementation record, including shortcomings pointed out by other CSCE participants and domestic critics. Second, it will encourage greater efforts at improved implementation in the U.S. by various responsible parties. Third, it will stimulate other Helsinki countries to undertake similiar public assessments of their own performance records. If these three goals are achieved, the prospects for productive results at the next CSCE review meeting in Madrid in 1980 will measurably brighten and the CSCE process itself will be enhanced accordingly.

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APPENDIX I

CHART I

U.S.-SPONSORED MILITARY MANEUVERS NOTIFIED IN 1975-1979 UNDER THE PROVISIONS OF THE HELSINKI FINAL ACT

	Name of the Maneuver	Type of Maneuver	Area	Participating Forces	Period of the Maneuver (No. days)	Notification Given	Countries Notified	Invitation to Observers
1975	CERTAIN TREK (1)	Ground/Air	NW Bavaria (FRG)	FRG-CA-FR-US	14th-23rd October	34 days	All CSCE Participants	
	REFORGER 75(1)	Ground/Air	FRG	US-CA-FRG	Early Oct-Late Nov	32 days	All CSCE Participants	
1976	GORDIAN SHIELD (1)	Ground/Air	Hesse (FRG)	US-FRG	7th-11th September	21 days	All CSCE Participants	
	LARES TEAM (1)	Ground/Air	Southern Germany	US-CA-FRG	13th-17th September	21 days	All CSCE Participants	
1977	CERTAIN FIGHTER (2)	Ground/Air	FRG	US	1st-8th May	21 days	All CSCE Participants	
	CARBON EDGE (1)	Ground/Air	FRG	US-BE-CA-FEG-NE-UK	13th-23rd September	21 days	All CSCE Participants	
1978	CERTAIN SHIELD (1)	Ground/Air	Bad Hessfeld-Schweinfurt-Darmstadt-Monburg-Limburg (FRG)	BE-GE-LU-UK-US	18th-28th September	24 days	All CSCE Participants	
1979	CERTAIN SENTINEL (1)	Ground	N. Baden-Würtenburg W. Bavaria (FRG)	CA-FRG-LU-NE-UK-US	30th Jan-6th Feb	25 days	All CSCE Participants	

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(1) Over 25,000 men involved
(2) Under 25,000 men involved

APPENDIX I

CHART 2

MILITARY EXCHANGE BETWEEN THE U.S. AND WARSAW PACT COUNTRIES

1975-1978

SENIOR DEFENSE OFFICIALS

	VISITING COUNTRY	HOST COUNTRY	DATE	PARTICULARS
		Chiefs of Staff		
1975	USA	Romania	September 15	General Weyand, Army Chief of Staff
		Other Visits		
1975	Romania	USA	October	General Tutoveanu, Commandant of the Romanian Military Academy
1976	USA	USSR	May 9-20	Visit by BG J. L. Collins, Jr., U.S. Army, in order to improve relations between military historians
	USA	Romania	April 28-May 2	U.S. National War College
	Romania	USA	July 3-23	Visit to New York City, Baltimore and Philadelphia by naval training ship *Mircea*
	USA	Romania	September 13	Visit to Constanta by USS *Yarnel*
1977	USA	Romania	May 1-6	Visit to Bucharest by National Defense University/ICAF Delegation
	Soviet Union	USA	May 5-6	Visit by military attaches in Washington to selected U.S. military units

1977 (Con'd)	USA	USSR	May 11-18	Delegation of Military Representative from National Defense University
	Soviet	USA	July 19-20	Visit by Commander-in-Chief of Soviet forces in Germany and members of his staff to U.S. Army Europe Headquarters and a U.S. Army training area
1978	USSR	USA	April 18-30	LTG Pavel Zhihn, Director of the Soviet Ministry of Defense's Institute of Military History
	USA	Hungary	Spring	Students from senior service schools
	USA	Romania	Spring	Students from senior service schools
	USA	Romania	November 22-27	Visit to Constanta by U.S. warship

APPENDIX II

Status Report - The Courts and Prisons

States in which there are existing court decrees, or pending litigation, involving the entire state prison system or the major institutions in the state and which deal with overcrowding and/or the total conditions of confinement (does not include jails except for D.C.):

1. Alabama: The entire state prison system is under court order dealing with total conditions and overcrowding. *Pugh v. Locke,* 406 F.Supp. 318 (M.D.Ala. 1976), aff'd in substance, *Newman v. Alabama,* 559 F.2d 283 (5th Cir. 1977), *cert. denied.*
2. Arizona: The state penitentiary is being challenged on total conditions and overcrowding, limiting prison population and reclassification. August 1977-February 1978. Full trial probably in Fall 1979. *Harris v. Cardwell,* C.A. No. 75-185 PHX-CAM (D.Ariz.).
3. Arkansas: The entire state prison system is under court order dealing with total conditions. *Finney v. Arkansas Board of Corrections,* 505 F.2d 194 (8th Cir. 1974).
4. Colorado: The state maximum security penitentiary is being challenged on total conditions and overcrowding. Complaint filed January 1978, case certified as a class action in March 1978. Full trial probably in Fall 1979. *Ramos v. Lamm,* C.A. No. 77-K-1093 (D.Col.).

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5. Delaware: The state penitentiary is under court order dealing primarily with overcrowding and some conditions. Anderson v. Redmon, 429 F.Supp. 1105 (D.Del. 1977).

6. Florida: The entire state prison system is under court order dealing with overcrowding. Costello v. Wainwright, 397 F. Supp. 20 (M.D.Fla. 1975), aff'd 525 F.2d 1239 and 553 F.2d 506 (5th Cir. 1977).

7. Georgia: The state penitentiary is being challenged on total conditions and overcrowding. Trial held in 1977, pending a decision. Guthrie v. Ault

8. Illinois: The state penitentiary at Menard is being challenged on total conditions and overcrowding. Lightfoot v. Walker

9. Indiana: The state prison at Pendleton is being challenged on total conditions and overcrowding. Trial held late in 1978. French v. Owens. A case was filed in Jan. 1979 against state penitentiary at Michigan City on overcrowding and total conditions. Wellman v. Faulkner, IP79-37-C (S.D.Ind.)

10. Kentucky: The state penitentiary is being challenged on overcrowding and some conditions. Kendrick v. Carroll, C76-0079 (W.D.Ky.)

11. Louisiana: The state penitentiary is under court order dealing with overcrowding and some conditions. Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1977)

12. Maryland: The 2 state penitentiaries are declared unconstitutional on overcrowding. Johnson v. Levine, 450 F.Supp. 648 (D.Md.1978) Nelson v. Collins, 455 F.Supp. 727 (D.Md.1978)

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13. Massachusetts: The meximum security unit at the state prison in Walpole is being challenged on total conditions. Blake v. Hall, C.A. 78-3051-T (D.Mass.)

14. Mississippi: The entire state prison system is under court order dealing with overcrowding and total conditions. Gates v. Collier, 501 F.2d 1291 (5th Cir. 1974)

15. Missouri: The state penitentiary is under court order on overcrowding and some conditions. Trial held in Oct. 1978. Burks v. Graham 75 cv149-C

16. Nevada: The two major prisons are being challenged on overcrowding and total conditions. Maginnis v. O'Callaghan C.A. No. 77-0221 (D.Nev.)

17. New Hampshire: The state penitentiary is under court order dealing with total conditions and overcrowding. Laaman v. Helgemoe, 437 F.Supp. 269 (D.N.H. 1977)

18. New Mexico: The state penitentiary is being challenged on overcrowding and total conditions. Duran v. Apodaca, C.A. No. 77-721-C (D. N.Mex.)

19. North Carolina: A lawsuit was recently filed at Central Prison in Raleigh on overcrowding and conditions.

20. Ohio: The state prison at Lucasville is under court order on overcrowding. Chapman v. Rhodes, 434 F.Supp. 1007 (S.D.Oh.1977) The state prison at Columbus is being challenged on total conditions and overcrowding. Stewart v. Rhodes, C.A. No. (S.D.Ohio). The state prison at Mansfield is being challenged on total conditions. Boyd v. Denton, C.A. 78-1054A (N.D.Oh)

21. Oklahoma: The state penitentiary is under court order on total conditions and the entire state prison system is under court order on overcrowding, *Battle v. Anderson*, 564 F.2d 388 (10th Cir. 1977).

22. Rhode Island: The entire state prison system is under court order on overcrowding and total conditions. *Palmigiano v. Garrahy*, 443 F.Supp. 956 (D.R.I. 1977).

23. South Carolina: The state penitentiary is being challenged on overcrowding and conditions. *Mattison v. So. Car. Bd. of Corr.* C.A. No. 76-318.

24. Tennessee: The entire state prison system declared unconstitutional on total conditions. Decision in August 1978 with preliminary order closing one unit by state court Judge. *Trigg v. Blanton*, C.A. No. A6047

25. Texas: The entire state prison system is being challenged on some conditions. *Ruiz v. Estelle*, Trial began 10/78.

26. Utah: The state penitentiary is being challenged on overcrowding and some conditions. *Nielson v. Matheson*.

27. Vermont: State prison closed.

28. Washington: The state reformatory is being challenged on overcrowding and conditions. *Collins v. Rhay*, C.A. No. C78-13-V (W.D.Wash.)

29. Wyoming: The state penitentiary is being operated under terms of a stipulation and consent decree. *Bustos v. Herschler*, C.A. No. C76-143-B (D.Wyo.).

30. District of Columbia: The District jails are under court order on overcrowding and conditions. Inmates, D.C. Jail v. Jackson, 416 F.Supp. 119 (D.D.C. 1976), Campbell v. McGruder, 416 F.Supp. 100 and 111 (D.D.C. 1976), aff'd and remanded, C.A. No's 75-1350, 75-2273 (D.C.Cir. Mar. 30, 1978).

31. Puerto Rico: The Commonwealth Penitentiary is under court order on overcrowding and conditions. Martinez-Rodrigues v. Jiminez, 409 F.Supp. 582 (D.P.R. 1976).

32. Virgin Islands: Territorial prison is under court order dealing with conditions and overcrowding. Barnes v. Gov't of the Virgin Islands, 415 F.Supp. 1218 (D.V.I. 1976).

APPENDIX III

Union Calendar No. 33

96th CONGRESS
1st Session

H. R. 10

[Report No. 96–80]

To authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

IN THE HOUSE OF REPRESENTATIVES

January 15, 1979

Mr. Kastenmeier (for himself, Mr. Rodino, Mr. Edwards of California, Mr. Conyers, Mr. Danielson, Mr. Drinan, Ms. Holtzman, Mr. Mazzoli, Mr. Harris, Mr. Hughes, and Mr. Railsback) introduced the following bill; which was referred to the Committee on the Judiciary

April 3, 1979

Additional sponsors: Mr. Gudger, Mr. Matsui, Mr. Mikva, Mr. Butler, Mr. Sawyer, Mr. Moorhead of California, Mr. Hyde, Mr. Hall of Texas, and Mr. Nolan

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

(1) the term "institution" means any facility or institution—

(A) which is owned, operated, or managed by or provides services on behalf of any State or political subdivision of a State; and

(B) which is—

(i) for persons who are mentally ill, disabled, or retarded, or chronically ill or handicapped;

(ii) a jail, prison, or other correctional facility;

(iii) a pretrial detention facility;

(iv) for juveniles held awaiting trial or residing for purposes of receiving care or treatment or for any other State purpose; or

(v) providing skilled nursing, intermediate or long-term care, or custodial or residential care;

(2) the term "person" means an individual, a trust or estate, a partnership, an association, or a corporation;

(3) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States; and

(4) the term "legislative days" means any calendar day on which either House of Congress is in session.

SEC. 2. Whenever the Attorney General has reasonable cause to believe that any State or political subdivision of a State, any official, employee, or agent thereof, or other person acting on behalf of a State or political subdivision of a State is subjecting persons residing in or confined to any institution to conditions which cause them to suffer grievous harm and deprive them of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, and that such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities, the Attorney General for or in the name of the United States may institute a civil action in any appropriate United States district court against such party for such equitable relief as may be appropriate to insure the full enjoyment of such rights, privileges, or immunities, except that such equitable relief shall be available to persons residing in an institution as defined in paragraph (1)(B)(ii) of the first section of this Act only insofar as such persons are subjected to conditions which deprive them of rights, privileges, or immunities secured or protected by the Constitution of the United States. The Attorney General shall sign the complaint in such action.

SEC. 3. (a) At the time of the commencement of an action under section 2 of this Act, the Attorney General shall certify to the court—

(1) that, at least thirty days previously, he has notified in writing the Governor or chief executive officer and attorney general or chief legal officer of the appropriate State or political subdivision of the State and the director of the institution of—

(A) the alleged pattern or practice of deprivations of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States;

(B) the supporting facts giving rise to the alleged pattern or practice of deprivations, including the dates or time period during which the alleged pattern or practice of deprivations occurred and, when feasible, the identity of all persons reasonably suspected of being involved in causing the alleged pattern or practice of deprivations; and

(C) the measures which he believes may remedy the alleged pattern or practice of deprivations;

(2) that he or his designee has made a reasonable effort to consult with the Governor or chief executive officer and attorney general or chief legal officer of the

appropriate State or political subdivision and the director of the institution, or their designees, regarding assistance which may be available from the United States and which he believes may assist in the correction of such pattern or practice of deprivations;

(3) that he is satisfied that the appropriate officials have had a reasonable time to take appropriate action to correct such deprivations and have not adequately done so; and

(4) that he believes that such an action by the United States is of general public importance and will materially further the vindication of the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) Any certification made by the Attorney General pursuant to this section shall be signed by him.

SEC. 4. (a) No later than one hundred and eighty days after the date of enactment of this Act, the Attorney General shall, after consultation with State and local agencies and persons and organizations having a background and expertise in the area of corrections, promulgate minimum standards relating to the development and implementation of a plain, speedy, and effective system for the resolution of grievances of adult persons confined in any jail, prison, or other correctional facility, or pretrial detention facility. The Attorney

General shall submit such proposed standards for publication in the Federal Register in conformity with section 553 of title 5, United States Code. Such standards shall take effect thirty legislative days after final publication unless, within such period, either House of the Congress adopts a resolution of disapproval. The minimum standards shall provide—

(1) for an advisory role for employees and inmates of correctional institutions (at the most decentralized level as is reasonably possible) in the formulation, implementation, and operation of the system;

(2) specific maximum time limits for written replies to grievances with reasons thereto at each decision level within the system;

(3) for priority processing of grievances which are of an emergency nature, including matters in which delay would subject the grievant to substantial risk of personal injury or other damages;

(4) for safeguards to avoid reprisals against any grievant or participant in the resolution of a grievance;

(5) for independent review of the disposition of grievances, including alleged reprisals, by a person or other entity not under the direct supervision or direct control of the institution.

(b) The Attorney General shall develop a procedure for the prompt review and certification of systems for the resolu-

tion of grievances of adult persons confined in any jail, prison, or other correctional facility, or pretrial detention facility, which may be submitted by the various States and political subdivisions in order to determine if such systems are in substantial compliance with the minimum standards promulgated pursuant to this section. The Attorney General may suspend or withdraw such certification at any time if he has reasonable cause to believe that the grievance procedure is no longer in substantial compliance with the minimum standards promulgated pursuant to this section.

(c) In any action brought pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) by an adult person convicted of a crime confined in any jail, prison, or other correctional facility, the court shall continue such case for a period not to exceed ninety days in order to require exhaustion of such plain, speedy, and effective administrative remedy as is available if the court believes that such a requirement would be appropriate and in the interest of justice, except that such exhaustion shall not be required unless the Attorney General has certified or the court has determined that such administrative remedy is in substantial compliance with the minimum acceptable standards promulgated pursuant to this section.

SEC. 5. The Attorney General shall include in his report to Congress on the business of the Department of Jus-

tice prepared pursuant to section 522 of title 28, United States Code—

(1) a statement of the number, variety, and outcome of all actions instituted pursuant to this Act;

(2) a detailed explanation of the process by which the Department of Justice has received, reviewed, and evaluated any petitions or complaints regarding conditions in prisons, jails, or other correctional facilities, and an assessment of any special problems or costs of such process, and, if appropriate, recommendations for statutory changes necessary to improve such process; and

(3) a statement of the nature and effect of the standards promulgated pursuant to section 4 of this Act, including an assessment of the impact which such standards have had on the workload of the United States courts and the quality of grievance resolution within jails, prisons, and other correctional or pretrial detention facilities.

APPENDIX IV

CHART 1

World Book Encyclopedia, 1977

MAJOR RELIGIOUS BODIES IN THE UNITED STATES

NAME	MEMBERSHIP
*Adventists:	
Advent Christian Church	31,057
Church of God General Conference (Oregon, Ill.)	7,455
*Seventh-day Adventists	479,799
African Orthodox Church, The	6,000
Bahá'í Faith (*Bahá'ís)	†
*Baptists:	
*American Baptist Association	1,071,000
*American Baptist Churches in the U.S.A.	1,579,029
Baptist General Conference	111,093
Baptist Missionary Association of America	211,000
Conservative Baptist Assn. of America	300,000
Duck River (and Kindred) Associations of Baptists	8,909
Free Will Baptists	215,000
General Association of Regular Baptist Churches	250,000
General Baptists, General Association of	70,000
*National Baptist Convention of America	2,668,799
*National Baptist Convention, U.S.A., Inc.	**6,300,000
National Baptist Evangelical Life and Soul Saving Assembly of U.S.A.	57,674
*National Primitive Baptist Convention, Inc.	1,645,000
North American Baptist General Conference	41,437
Primitive Baptists	72,000
Progressive National Baptist Convention, Inc.	521,692
Separate Baptists in Christ	7,496
Seventh Day Baptist General Conference	5,230
*Southern Baptist Convention	12,513,378
United Free Will Baptist Church	100,000
*Brethren (German Baptists):	
*Brethren, Church of the	179,387
Brethren Church (Ashland, Ohio)	16,279
Brethren Churches, National Fellowship of	33,514
Brethren, River:	
Brethren in Christ Church	10,255
Buddhist Churches of America	100,000
Christadelphians	15,800
Christian and Missionary Alliance	144,245
Christian Church (*Disciples of Christ)	1,312,326
Christian Churches and Churches of Christ	1,034,047
Christian Union	5,301
Church of Christ (Holiness) U.S.A.	9,289
Church of Christ, Scientist (*Christian Scientists)	†
Church of Illumination	9,000
*Church of the Nazarene	430,128
*Churches of Christ	2,400,000
Churches of Christ in Christian Union	9,786
*Churches of God:	
Church of God (Anderson, Ind.)	161,401
Church of God (Seventh Day), Denver, Colo.	5,600
Church of God by Faith	4,500
Church of God and Saints of Christ	38,217
Churches of God General Conference	37,000
Churches of the Living God:	
Church of the Living God	45,320
Congregational Christian Churches, National Association of	90,000
Conservative Congregational Christian Conf.	21,975
Eastern Churches:	
Armenian Apostolic Church of America	125,000
Armenian Church of North America, Diocese of the (including Diocese of California)	372,000
*Eastern Orthodox Churches:	
Albanian Orthodox Archdiocese in America	40,000
Albanian Orthodox Diocese of America	5,200
American Carpatho-Russian Orthodox Greek Catholic Church	100,000
Antiochian Orthodox Christian Archdiocese of North America	130,000
Bulgarian Eastern Orthodox Church	86,000
*Greek Orthodox Archdiocese of North and South America	1,950,000
Holy Ukrainian Autocephalic Church in Exile	4,800
Orthodox Church in America	1,000,000
Romanian Orthodox Episcopate of America	40,000
Russian Orthodox Church in the U.S.A., Patriarchal Parishes of the	51,500
Russian Orthodox Church Outside Russia	55,000
Serbian Eastern Orthodox Church for the U.S.A. and Canada	65,000
Syrian Orthodox Church of Antioch (Archdiocese of the U.S.A. and Canada)	50,000
Ukrainian Orthodox Church in the U.S.A.	87,745
Ukrainian Orthodox Church of America (Ecumenical Patriarchate)	30,000
*Episcopal Church	2,907,293
*Ethical Culture Movement	5,000
Evangelical Church of North America	10,714
Evangelical Congregational Church	29,636
Evangelical Covenant Church of America	69,960
Evangelical Free Church of America	70,490
Evangelistic Associations:	
Apostolic Christian Churches of America	9,500
Christian Congregation	59,600
Missionary Church	20,078
Pillar of Fire	5,100
Free Christian Zion Church of Christ	22,260
Independent Fundamental Churches of America	87,582
*Jehovah's Witnesses	539,262
Jewish Congregations (*Jews)	6,115,000

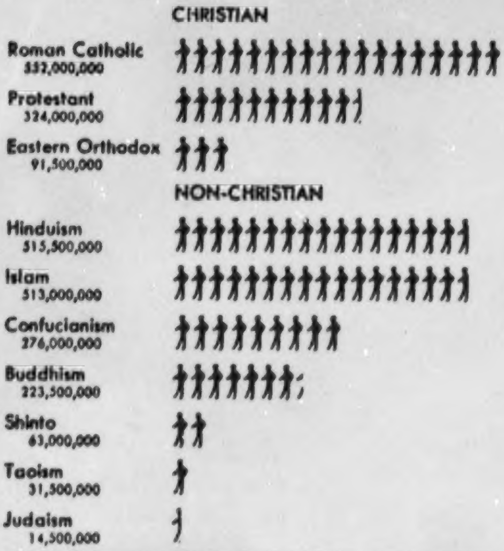
*Has a separate article in WORLD BOOK. †Membership statistics not available. **Membership reported by religious body.
Source: *Yearbook of American and Canadian Churches*. Copyright © 1976, National Council of the Churches of Christ in the U.S.A.

MAJOR RELIGIOUS BODIES IN THE UNITED STATES

NAME	MEMBERSHIP
*Latter Day Saints, Reorganized Church of Jesus Christ of	156,687
Latter-day Saints, Church of Jesus Christ of (*Mormons)	2,683,573
*Lutherans:	
*American Lutheran Church	2,437,862
Apostolic Lutheran Church of America	9,384
Church of the Lutheran Brethren of Am.	9,000
Church of the Lutheran Confession	9,667
Evangelical Lutheran Synod	17,804
Free Lutheran Congregations, The Association of	13,471
*Lutheran Church in America	2,986,970
*Lutheran Church—Missouri Synod	2,769,594
Wisconsin Evangelical Lutheran Synod	388,865
*Mennonites:	
Church of God in Christ (Mennonite)	6,204
General Conference of Mennonite Brethren Churches	15,520
Mennonite Church	92,390
Mennonite Church, The General Conference	35,534
Old Order Amish Church	14,720
Old Order (Wisler) Mennonite Church	8,000
*Methodists:	
*African Methodist Episcopal Church	1,166,301
*African Methodist Episcopal Zion Church	1,024,974
Christian Methodist Episcopal Church	466,718
Evangelical Methodist Church	10,502
*Free Methodist Church of North America	65,210
Primitive Methodist Church, U.S.A.	11,024
Reformed Zion Union Apostolic Church	16,000
Southern Methodist Church	11,000
*United Methodist Church	10,063,046
Metropolitan Community Churches, Universal Fellowship of	17,729
*Moravian Church:	
Moravian Church in America (Unitas Fratrum)	54,892
Unity of the Brethren	6,142
New Apostolic Church of North America	22,563
*Old Catholic Churches:	
North American Old Roman Catholic Church	60,098
*Pentecostal Churches:	
Apostolic Overcoming Holy Church of God	75,000
*Assemblies of God	1,239,197
Bible Way Church of Our Lord Jesus Christ, World Wide, Inc.	30,000
Christian Church of North America, General Council	8,500
Church of God	75,890
Church of God (Cleveland, Tenn.)	328,892
Church of God, The (Original)	20,000
*Church of God in Christ	425,000
Church of God in Christ, International	501,000
Church of God of Prophecy	62,743
Church of Our Lord Jesus Christ of the Apostolic Faith	45,000
Elim Fellowship	5,000
International Church of the Foursquare Gospel	89,215
International Pentecostal Assemblies	10,000
Open Bible Standard Churches, Inc.	25,000
Pentecostal Church of God of America, Inc.	115,000
Pentecostal Free-Will Baptist Church, Inc.	10,000
Pentecostal Holiness Church, Inc.	74,108
United Holy Church of America	28,980
United Pentecostal Church (International)	270,000
Plymouth Brethren	40,000
*Polish National Catholic Church of America	282,411
*Presbyterians:	
Associate Reformed Presbyterian Church (General Synod)	31,154
Cumberland Presbyterian Church	92,948
Orthodox Presbyterian Church	14,871
Presbyterian Church in America	41,232
*Presbyterian Church in the U.S.	896,203
Reformed Presbyterian Church, Evangelical Synod	22,452
Reformed Presbyterian Church of North America	5,445
Second Cumberland Presbyterian Church in U.S.	30,000
*United Presbyterian Church in the United States of America	2,723,565
*Quakers:	
Evangelical Friends Alliance	27,206
Friends General Conference	26,184
Friends United Meeting	67,431
Reformed Bodies:	
*Christian Reformed Church	206,000
Hungarian Reformed Church in America	11,679
Netherlands Reformed Congregations	7,447
Reformed Church in America	354,004
Reformed Episcopal Church	6,532
*Roman Catholic Church	48,701,835
*Salvation Army	366,471
Spiritualist Bodies:	
Spiritualists, International General Assembly of (*Spiritualists)	164,072
Triumph the Church and Kingdom of God in Christ	54,307
*Unitarian Universalist Association	192,510
United Brethren Bodies:	
United Brethren in Christ	26,335
*United Church of Christ	1,841,312
*Volunteers of America	30,740
*Wesleyan Church	94,215

MAJOR RELIGIONS OF THE WORLD

Estimated number of members in each religion*



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*Statistics for some of the major religions are very broad estimates. Some religions do not keep official records of the total number of their members. Various religions also have different standards for determining who is a member of their faith. In addition, many Asians belong to more than one religion.

Source: Franklin H. Littell, Professor of Religion, Temple University, Philadelphia, Pa. Figures are for 1978.

APPENDIX IV

CHART 2

U.S. TRADE WITH THE SOVIET UNION AND EASTERN EUROPE

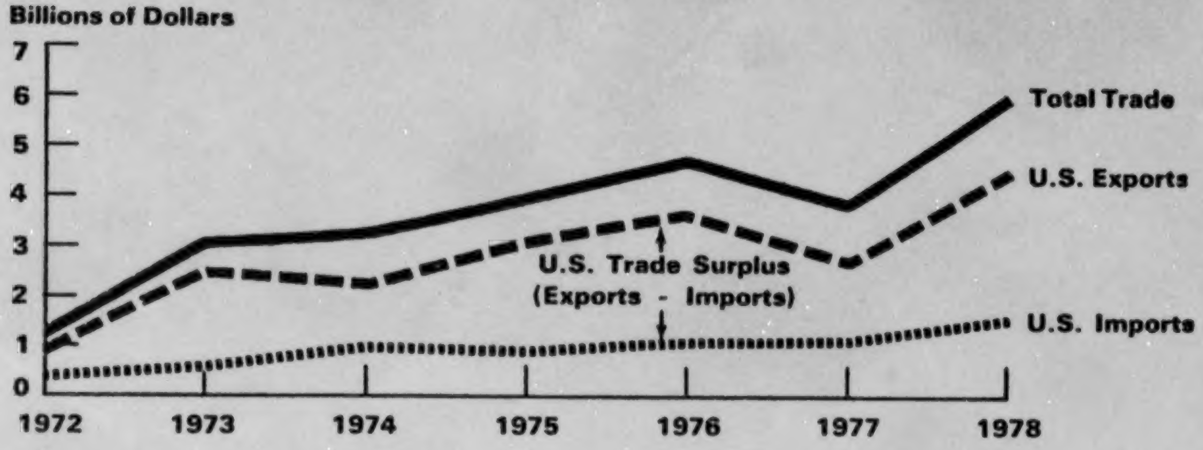
1974-1978 (in thousands of U.S. dollars)*

U.S. Exports to:	1974	1975	1976	1977	1978
Bulgaria	21,965	29,299	43,320	23,910	48,120
Czechoslovakia	48,604	52,904	148,303	73,989	105,349
G.D.R.	20,882	17,294	64,802	36,099	170,121
Hungary	56,176	76,054	62,960	79,717	97,682
Poland	394,588	580,090	621,035	436,536	677,022
Romania	277,136	189,300	249,034	259,405	317,423
U.S.S.R.	607,856	1,834,141	2,305,955	1,623,574	2,249,020
TOTAL	1,427,207	2,779,082	3,495,409	2,533,230	3,664,737

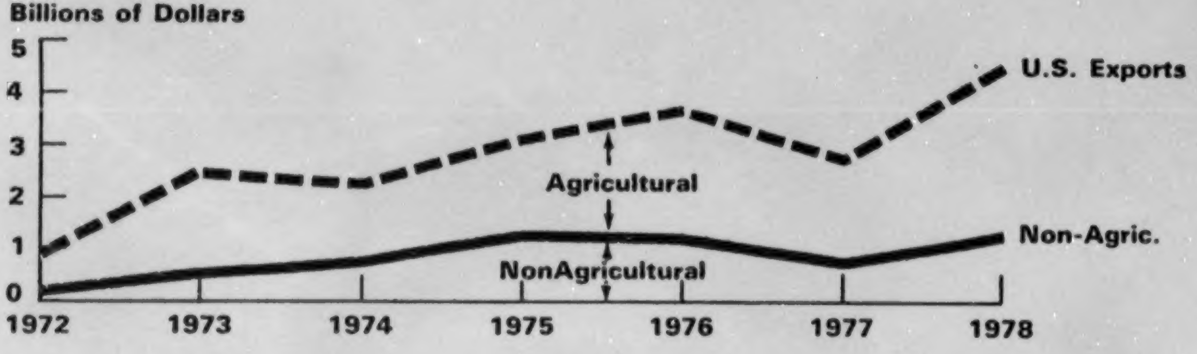
U.S. Imports from:	1974	1975	1976	1977	1978
Bulgaria	8,399	20,217	26,955	17,951	19,090
Czechoslovakia	45,562	34,629	36,376	36,599	58,000
G.D.R.	14,129	11,250	13,645	16,764	35,280
Hungary	75,407	34,652	49,014	46,585	68,460
Poland	265,931	243,079	318,763	329,085	438,850
Romania	130,516	132,956	198,745	233,287	346,620
U.S.S.R.	350,223	254,528	220,901	234,633	540,390
TOTAL	890,167	731,311	864,399	914,904	1,506,690

* Source: Selected Trade and Economic Data of the Centrally Planned Economies. U.S. Department of Commerce. June, 1979.

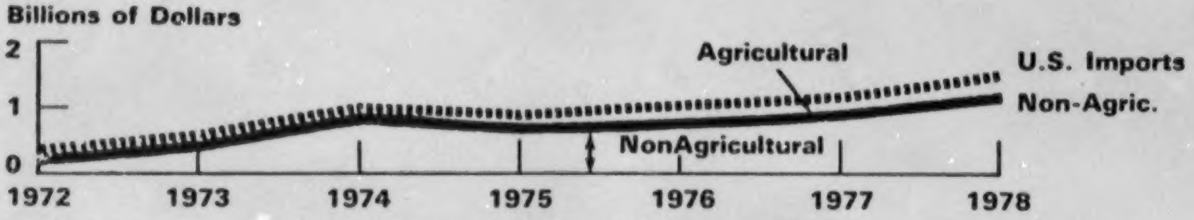
U.S. - Eastern* Trade, 1972-78**



U.S. Exports:



U.S. Imports:



*Bulgaria, Czechoslovakia, GDR, Hungary, Poland, Romania, U.S.S.R. and PRC.

**1978 trade estimated imports do not include U.S. imports of nonmonetary gold from U.S.S.R.

APPENDIX IV

CHART 3

Trade Promotion Events Staged or to be Staged by the Bureau of East-West Trade during July 1, 1978 - June 30, 1979

Type of Event	Number of Firms Represented
Commercial Exhibitions	
Sept. 1978 Plovdiv, Bulgaria	11
Sept. 1978 Leipzig, GDR	7
Sept. 1978 Moscow, USSR	17
Sept. 1978 Brno, Czechoslovakia	23
Oct. 1978 Bucharest, Romania	15
Oct. 1978 Moscow, USSR	28
Mar. 1979 Leipzig, GDR	32
May 1979 Budapest, Hungary	35
May 1979 Moscow, USSR	24
June 1979 Poznan, Poland	41
Technical Sales Seminars	
Oct. 1978 "Meat and Dairy Processing Equipment" to Bulgaria, Hungary, Poland and Yugoslavia	12
Jan. 1979 "Lasers and Electro-Optics" to Czechoslovakia, Hungary, Poland and Austria	6
Feb. 1979 "Sewing and Garment Production Equipment" to Bulgaria, Czechoslovakia and Romania	7
June 1979 "Pesticides" to Czechoslovakia, GDR and Romania	6
Seminars/Exhibitions in U.S. Commercial Office, Moscow	
Nov. 1978 "Plastics Production Equipment"	7
Dec. 1978 "Ferrous Metallurgy"	6
Feb. 1979 "Industrial Packaging"	6
Mar. 1979 "New Technology in Mining"	12
Mar. 1979 "Medical Equipment"	8

APPENDIX V

Publications issued by Treasury of types mentioned in the Final Act in the section on publication of economic and commercial information

Annual Report of the Secretary of the Treasury on the State of the Finances

Contains data on the policies and administration of Government finances; review of fiscal operations; administrative reports of organizational units and supporting exhibits.

Statistical Appendix to Annual Report of the Secretary of the Treasury on the State of the Finances

Contains historical data relating to Treasury and Government-wide fiscal and financial operations.

Annual Combined Statement of Receipts, Expenditures and Balances of the United States Government

Contains data on financial operations of the U.S. Government.

Monthly Statement of Receipts and Outlays of the United States Government

Contains monthly data on financial operations of the United States Government.

Daily Statement of the United States Treasury

Contains daily data on financial operations of the United States Government.

Treasury Bulletin

Issued monthly; contains financial and statistical tables relating to Federal fiscal operations as well as other monetary data, including international financial statistics such as claims and liabilities reported by U.S. banks and nonbanking concerns with respect to foreigners, and their foreign-currency positions.

Statement of United States Currency and Coin Issued

Monthly report on issuance of currency and coin.

Importation of Distilled Spirits, Wines and Beer

Report issued by Bureau of Alcohol, Tobacco and Firearms (Department of the Treasury Report ATF P 5100.4).

Exportation of Liquors

Report issued by Bureau of Alcohol, Tobacco and Firearms (Department of the Treasury Report ATF P 5180.1).

Commerce in Firearms and Ammunition

Report issued by Bureau of Alcohol, Tobacco and Firearms (Department of the Treasury Report ATF P 5300.3).

The World's Monetary Stocks of Gold, Silver, and Coins

Data on a calendar-year basis, issued by the Bureau of the Mint.

Annual Report of the Office of the Comptroller of the Currency

Information concerning U.S. banking system.

Banking Competition and the Banking Structure

Information on the U.S. banking system provided by the Comptroller of the Currency

Annual Financial Report of the Comptroller of the Currency

Financial information relating to the U.S. banking system.

Statistics of Income--Corporation Income Tax Returns

Aggregate data concerning U.S. corporations' Federal income tax returns; annual.

Annual Report of the Commissioner of Internal Revenue

Information on operations of the Internal Revenue Service.

Statistics of Income--Individual Income Tax Returns

Aggregate data concerning Federal income tax returns of individuals; annual.

Statistics of Income--Business Income Tax Returns

Aggregate data concerning Federal income tax returns of businesses; annual.

Withholding of Tax on Nonresident Aliens and Foreign Corporations

Information concerning withholding of U.S. Federal taxes on foreigners.

United States Tax Guide for Aliens

Instructions concerning U.S. Federal taxes on foreigners.

Information on the United States-Canada Income Tax Treaty

Internal Revenue Service Publication No. 597.

Certification Required to Obtain Reduced Rates Under Income Tax Treaties

Internal Revenue Service Publication No. 686.

Annual Report of the National Advisory Council on International Monetary and Financial Policies

Issued by the Office of the Assistant Secretary for International Affairs, Department of the Treasury.

Report on Developing Countries External Debt and Debt Relief Provided by the United States

Issued by the Office of the Assistant Secretary for International Affairs, January 1977.

East-West Foreign Trade Board Report

Quarterly reports on trade between the United States and nonmarket-economy countries, including the status of negotiations of bilateral trade agreements, the activities of joint commissions, the resolution of commercial disputes, and any exports from such countries which have caused disruption of U.S. markets.

Foreign Assets Control Regulations and Related Documents

Information on controls administered by the Office of Foreign Assets Control, Department of the Treasury

Cuban Assets Control Regulations and Related Documents

Information on controls administered by the Office of Foreign Assets Control with respect to Cuban assets.

Transaction Control Regulations

Information on controls administered by the Office of Foreign Assets Control with respect to transactions involving certain countries.

Rhodesian Sanctions Regulations and Related Documents

Information on controls administered by the Office of Foreign Assets Control with respect to transactions involving Rhodesia.

Foreign Funds Control Regulations and Related Documents

Information concerning controls administered by the Office of Foreign Assets Control with respect to certain foreign funds.

Customs Tips for Visitors

Information on customs regulations for visitors arriving in the United States, issued in English, French, German, Spanish, Italian, Hungarian, Polish, Czechoslovakian, and Serbo-Croatian languages.

U.S. Customs Trademark Information

List of most popular tourist items prohibited or restricted importation because the trademark owners have recorded their marks with the Treasury Department.

Books: Copyrights & Customs

Information about copyright restrictions or prohibitions applying to importation of books.

U.S. Import Requirements

General statement of U.S. Customs requirements for imported merchandise.

Prospective Imports--Customs Duty

Explains how importers may obtain a binding U.S. Customs duty ruling on items before importation.

Import Quota

Summary of information on import quotas administered by U.S. Customs Service.

Drawback

A nontechnical leaflet to explain drawback--how to obtain a duty refund on certain exports.

Marking of Country of Origin

Customs requirements for marking imported merchandise with name of country of origin.

Alcoholic Beverages

General customs requirements for importing alcoholic beverages for commercial distribution.

Notice to Carriers of Bonded Merchandise

Precautions carriers and customhouse brokers should take to safeguard merchandise moving in-bond.

Importing into the United States

A 100-page booklet for foreign exporters planning to ship goods to the United States.

Customs Regulations of the United States

A looseleaf volume of regulations for carrying out customs, navigation, and other laws administered by the U.S. Customs Service.

Customs Bulletin

A weekly pamphlet containing current amendments to Customs Regulations; and decisions of U.S. Customs Court and U.S. Court of Customs and Patent Appeals.

Customs Antidumping Handbook

Policies and procedures manual issued July 1978 by United States Customs Service.

Report to the Congress on Foreign Portfolio Investment in the United States

Reports on foreign portfolio investment, as required by the Foreign Investment Study Act of 1974; published 1976.

The Textile Industry: A Study of Capital Investment, Technology and Other Factors Affecting Prescribed Capital Recovery Allowances of Textile Machinery

Issued February 1976 by Office of Industrial Economics, Department of the Treasury

Essays in International Taxation

A tax policy research study, issued 1976.

APPENDIX VI

CHART I

Illustrative List of U.S. Industrial Cooperation Agreements Concluded in 1976 and 1977 with East European and Soviet Partners

Country	U.S. Partner	Communist Partner	Description	Date of Signature	Duration	Est. Value	Other Comments
HUNGARY	Steiger	N.A.	Technology and components for mfg. of tractor axles	1976	5 years	$100 mil.	Countertrade, extension of 1974 agreement
	Katy Indus.	Minosegi Cipoyar Tannimpex Intercooperation	Equipment, management, designs, know-how to mfg. women's shoes	1976	N.A.	$69.2 mil.	Countertrade
	Levi-Strauss	N.A.	Material for Levi's	1977	N.A.	N.A.	Countertrade
	Fairchild	Tungsram	Integrated circuits license and machinery; licensor; U.S. party	1976	N.A.	N.A.	

Country	U.S. Partner	Communist Partner	Description	Date of Signature	Duration	Est. Value	Other Comments
HUNGARY (Cont'd)	Grand Rapids, Inc.	Institute for Materials Handling and Packaging Licencia	Rolling path licenses; licensor; U.S. party	1976	N.A.	N.A.	
	Swift & Co.	Licencia	Joint marketing of vepex protein process; U.S. party	1976	N.A.	N.A.	
	Research Corp.	Reanal, Novex	Joint commercialization of surgical implant, licensor; Hungarian party	1976	N.A.	N.A.	
	Nova-Jersey, Knit Co. (UK sub)	Habselyem Kottottarugyar, Intercooperation	Supply of technology for mfg. of double knit jersey material and apparel	1976	N.A.	N.A.	Buyback
	ITT	N.A.	Mfg. of telephone sets	1977	N.A.	$3-4 mil.	
	Hesston Corp.	Mosogeptrosst	Hesston equipment	1977	1977-1981	N.A.	Linked with buyback of Hungarian gear boxes and other items for use in tractors

Country	U.S. Partner	Communist Partner	Description	Date of Signature	Duration	Est. Value	Other Comments
POLAND	Katy Indus.	N.A.	Machinery and working programs for shoe production for shoes	1976	5 years	N.A.	Countertrade, some part of production tc be sold in U.S.
	G.E.	N.A.	Licensing and machines for joint production of medical equipment, particularly electro-cardiogram meters	1976	N.A.	N.A.	Countertrade
	FMC	Polimex	Potato granule production plant	1975- 1976	1978	$5.5 mil.	U.S. sales
	Squibb	Polfa	Production and marketing of antibiotics	N.A.	N.A.	N.A.	
	Trans-America Computer	Unitra	Joint development of computer systems	N.A.	N.A.	N.A.	Joint sales in third markets
	Piper	Pezetel	Mfg. of Piper Planes under license	1977	N.A.	$2.5 mil.	Two contracts signed; Pezetel will sell under its own name - counterpurchase involved

Country	U.S. Partner	Communist Partner	Description	Date of Signature	Duration	Est. Value	Other Comments
ROMANIA	Air Products & Chemicals	Romchim	License for production of benzene	N.A.	1978-1980	N.A.	
	Chemtex/ Toray Rayon	N.A.	Polyester chip and stable fiber plant	1977	N.A.	$136 mil.	World Bank credits of $50 mil.

Country	U.S. Partner	Communist Partner	Description	Date of Signature	Duration	Est. Value	Other Comments
BULGARIA	G.M.	Balkancarimpex	Heavy duty trucks for fork lift carts and trucks	1976	N.A.	N.A.	Countertrade, UK also a partner; initially GM will use Bulgarian fork lifts in own plants, but other marketing possibilities later on
	Globe Eng. Co.	N.A.	Silistra agricultural rationalization project	1975-1976	N.A.	N.A.	Value of contract granted $300,000; but some long range potential
	Continental Can	N.A.	Equipment and technology for production of lids for baby food jars	1977	N.A.	N.A.	

Country	U.S. Partner	Communist Partner	Description	Date of Signature	Duration	Est. Value	Other Comments
GDR	G.M.	N.A.	Chemicals for metal working products, plastics and chemicals	1976	10 years	N.A.	Countertrade

Country	U.S. Partner	Communist Partner	Description	Date of Signature	Duration	Est. Value	Other Comments
USSR	Abbott Labs./ FMC	Techno-promimport	Plant for producing Similac baby food	1976	N.A.	$25 mil.	FMC's share is $18 mil. of equipment
	Philip Morris	Licensintorg	Machinery and equipment for products in Moldavia	1977	N.A.	N.A.	Countertrade, partial payment in product
	NCR	N.A.	Licensing for micro-encapsulation	1976	N.A.	$2.7 mil.	A second contract for $2.5 mil. of equipment expected shortly
	Union Carbide	N.A.	Licensing of gas phase technology for polyethylene	1977	1981	N.A.	Contracts signed for 2 plants total capacity 200,000 mt/yr.
	Armco Steel	Avtoprom-import	Equipment and technology for oil and gas drilling equipment	1977	N.A.	$30 mil.	Rucker & Co., Steward & Stevenson are major subcontractors

Deals concluded in 1975 (some 13, mostly Hungarian) are not included in the above chart. While it is possible that some of these were signed after the Helsinki Final Act, the negotiations leading to the conclusion of the 1975 agreements would most certainly have preceded the Final Act. In fact, any of the deals listed here resulted from negotiations begun long before August 1975.

U.S. Industrial Cooperation Agreements Reported to be Under Negotiation in 1976 and 1977 with East European and Soviet Partners

Country	No. of Agreements	Areas	Other Comments
HUNGARY	4	Transportation equipment, medical equipment, consumer goods	
POLAND	2	Chemicals	Estimated combined value of over $200 million
ROMANIA	7	Food processing, chemicals, textiles, aviation, computers, transportation equipment	
CZECHOSLOVAKIA	3	Electronics, chemicals	Estimated combined value of about $50 million
BULGARIA	3	Chemicals	Estimated combined value of over $40 million
GDR	2	Electronics, chemicals	Estimated combined value of about $115 million
USSR	6	Oil drilling equipment, chemicals. automotive parts	Estimated combined value of about $633 million

APPENDIX VI

CHART 2

Summary of Selected U.S. Cooperative Activities in Science and Technology Under the Helsinki Final Act

Subject	Type	Country or Organization	Agreements	Activities
Agriculture	Bilateral	Bulgaria	Joint Statement on Development of Agriculture Trade (April 1979)	Exchange of germ plasm and breeding materials; exchange of scientists and information; joint projects
		Czechoslovakia	No official government protocol.	Informal visits; U.S. proposals to hold joint seminars on livestock breeding and feeding; possible future university exchanges
		GDR	Memorandum of Understanding	Economic consultations; visits of farm cooperators
			National Academy of Sciences Exchange Agreement	Involves more than 200 U.S. and foreign scientists annually
		Hungary	U.S.-Hungarian Agreement on Cooperation in Culture, Education, Science and Technology (April 1977)	Exchanges of agricultural scientists
			Joint Statement on the Development of Agricultural Trade and Cooperation (May 1979)	Mutual promotion of trade, information exchanges and cooperation in agricultural science, technology and education

Subject	Type	Country or Organization	Agreements	Activities
		Hungary (Con'd)	Exchange Agreement with 4-H Youth Program	
			U.S.-Hungarian Trade Agreement (July 1978)	Working Group on Agricultural Trade
		Poland	U.S.-Polish Agreement on Funding Cooperation in Science and Technology (1974)	U.S.-Polish Joint Board to administer program; 62 active research projects pending; 36 projects being prepared
			USDA Foreign Research Associate Program	35 Polish scientists have participated
			Joint Statement on the Development of Agricultural Trade (October 1974)	Working Group on Agricultural Trade; technical exchanges; joint agricultural trade promotion projects
			4-H Youth Program	400 participants since 1975
			University Exchange Programs	
		Romania	Protocols on Development of Agricultural Trade and Cooperation in Agriculture (1976)	Regular exchange of agricultural economic information; cooperative ventures in plant, animal and soil science and mechanization; university exchanges

Subject	Type	Country or Organization	Agreements	Activities
		Romania (Con'd)	Memoranda of Understanding with Iowa State University and University of Nebraska (1976)	University exchanges
			Farm Training Program, International Farmer Association for Education (California, 1972)	Meetings, instruction and training
			Future Farmers of America	Experts exchange program
			IREX, Fulbright-Hays Fellowships	
		USSR	U.S.-USSR Agreement on Cooperation in Agriculture (June 1973-renewed for an additional 5 years in December 1978)	Joint working group on agricultural research and technological development: exchange of specialists and information in plant science, soil science, animal and veterinary services, mechanization; Joint working group on Agricultural Economic Research and Information: cooperative activities in agribusiness, forecasting, agricultural economic information exchange, inter-Library exchange. Teams exchanged, joint research

Subject	Type	Country or Organization	Agreements	Activities
		USSR (Cont'd)	U.S.-USSR Agreement for Cooperation in the Fields of Science and Technology	Forestry working group involved in five active projects in fields of fire, insect and diseases, biogeocenosis, harvesting, reforestation
	Multilateral	International Institute for Applied Systems Analysis		Exchange of information and specialists; research coordination
		Organization for Economic Cooperation and Development		U.S. participation in meetings; preparation of reports
Energy, New Technologies, Rational Use of Resources	Bilateral	Poland	1974 Coal Research Agreement and Mining Technology Research Agreement (U.S. Bureau of Mines)	Coal extraction and utilization including coal liquefication and gasification; automated longwall and mining; coking methods; magnetohydrodynamics. Eight cooperative projects under Coal Research Agreement and five cooperative projects under Mining Technology Research Agreement

Subject	Type	Country or Organization	Agreements	Activities
		USSR	U.S.-USSR Agreement on Cooperation in the Field of Energy (June 1974)	To accelerate research and development in the areas of existing and alternative sources of energy as well as to increase effectiveness in the use of energy and its conservation; to achieve a better mutual understanding of each country's national energy programs and outlook. 14 joint projects coal, gas, oil & energy information and forecasting, meetings, exchanges of information and statistics
			U.S.-USSR Agreement on Cooperation in the Peaceful Uses of Atomic Energy (June 1973)	Cooperation and working groups in 3 major areas: controlled thermonuclear fusion, fast breeder reactors research in fundamental properties of matter; 5 joint committee meetings to work out agreement's details
	Multilateral			
	ECE Coal Committee			U.S. participation: annual coal committee meeting, experts groups on coal statistics and coal trade

study tours, provision of statistics

Subject	Type	Country or Organization	Agreements	Activities
	ECE Coal Committee (Cont'd)			published in the quarterly and annual Bulletin of Coal Statistics (UN-ECE)
	ECE Symposium on Coal Liquefication and Gasification (April 1979, Poland)			U.S. Participation: provided rapporteur for one of the specialized sessions; provided technical papers on coal gasification technology
	ECE Symposium on World Coal Prospects (Oct. 15-23, 1979-Poland)			Providing rapporteur for coal transportation; providing National Paper on Coal Prospects exhibits
	ECE International Institute for Applied Systems Analysis			U.S. submitted forecasts and reports
Physics and Chemistry	Bilateral	Hungary	U.S.-Hungarian Agreement on Cooperation in Education, Science, Technology and Culture	Exchanges and joint activities in the fields of pure and applied sciences; joint programs in ion implantation in semi-conductors, cationic copolymerization, Mosbauer spectroscopy of passive films
		Romania	U.S.-Romanian Agreement on Cooperation in Culture, Education, Science and Technology	Joint projects in transformation of carotenoids, atomic and molecular physics

Subject	Type	Country or Organization	Agreements	Activities
		Poland	U.S.-Polish Agreement on Funding of Cooperation in Science and Technology	Cooperative projects in reactions of carbonions, crystallization of polymers, mathematical physics, ribonucleic acids, study of close binary systems
		USSR	U.S.-USSR Agreement on Scientific and Technical Cooperation (1972, renewed 1977)	Working group on chemical catalysis: projects in areas such as homogeneous catalysis and reactor modeling; working group on physics: projects in areas such as solic state physics and relativistic astrophysics
Meteorology and Hydrology	Bilateral	USSR	U.S.-USSR Agreement on Scientific and Technical Cooperation	Working group on water resources; joint projects which include plastics in hydrotechnical construction and planning and management of water resources
			U.S.-USSR Environmental Protection Agreement	Working group on "The Influence of Environmental Changes on Climate";3 major projects which involve exchange of scientists, meetings and symposia and data exchanges

Subject	Type	Country or Organization	Agreements	Activities
Oceanography	Bilateral	USSR	U.S.-USSR Agreement on Cooperation in Studies of the World Ocean (1973)	Five working groups established in large-scale ocean-atmospheric interaction; ocean currents and dynamics; geology, geophysics and geochemistry of the world ocean floor; intercalibration and standardization of oceanographic instruments and methods;and biolcgical productivity and biochemistry
			U.S.-USSR Agreement on Environmental Protection	Marine Mammal Project to develop collaborative research into the biology, ecology and population dynamics of marine mammals of interest to both countries; to contribute to sound management and conservation of these animals through exchange of info and current data, coordinated and shared national research projects and joint research projects
			Joint program between U.S. scientists from Northeast Fisheries Center of National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisher-	Life history studies and assessments of major commercial fish species in the fisheries zone of the Northeast Atlantic U.S. coast as well as

Subject	Type	Country or Organization	Agreements	Activities
			ies Services and Soviet Scientists from the Atlantic Scientific Research Institute of Marine Fisheries and Oceanography (AtlantNIRO)	extensive ecosystem studies
		Poland	Joint program between U.S. and Polish Fisheries Scientists	Joint projects in such areas as herring studies, environmental assessment project and lining and patch studies
			U.S. helps fund and operate a Plankton Sorting and Identification Center in Poland	
		GDR	Program of cooperation between GDR Institute for Deep Sea Fishing and Fish Processing and NOAA's Northeast Fisheries Center	Activities for the next 2 years include joint projects on herring and plankton surveys, herring stock samplings, and mackerel feeding investigation
	Multilateral	UNESCO-Intergovernmental Oceanographic Commission		
		United Nations Environment Program		

Subject	Type	Country or Organization	Agreements	Activities
		Intergovernmental Maritime Consultative Organization		
		International Council for the Exploration of the Sea		
		International Hydrographic Organization		
Seismological Research	Bilateral	USSR	U.S.-USSR Agreement on Environmental Protection (1972)	Working group to study problems of earthquake prediction
			U.S.-USSR Agreement on Cooperation in the Field of Housing and Other Construction (1974)	Working group on techniques for construction in areas of frequent seismic activity; exchange of data, information and specialists
	Multilateral	Worldwide Seismic Network of Stations		U.S. exchanges seismic records with several of the CMEA signatories including Bulgaria, Czechoslovakia, GDR, Hungary, Poland, Romania and the USSR
Research on Glaciology, Permafrost and Problems of Life under Conditions of Cold	Bilateral	USSR	U.S.-USSR Housing Agreement	Working Group on building for extreme climates and unusual geologic conditions; exchange of specialists, joint publications,cooperative research,joint seminars

Subject	Type	Country or Organization	Agreements	Activities
		USSR (Cont'd)	U.S.-USSR Environmental Agreement	Studies and joint research on permafrost related environmental problems caused by the construction and operation of pipelines, roads and engineering difficulty
			U.S.-USSR Energy Agreement	Mutual exchange of data and research on problems of constructing dams and hydropower stations in cold weather conditions
Computer Communication and Information Technologies	Bilateral	USSR	U.S.-USSR Science and Technology Agreement	Joint working group on scientific and technical cooperation in the field of the application to computers to management (1972); activities focus on econometric modeling, computer analysis applied to economics and management of large systems, application of computer to the management of of large cities, theoretical foundations of applications in economics and management, and the use of computers in decision-making and the advanced training of high-level adminis-

Subject	Type	Country or Organization	Agreements	Activities
		USSR (Cont'd)		trative personnel; 18 meetings under joint working group program Oct. 1972-Feb. 1976; 65 meetings Feb. 1976-June 1979; 10 long-term joint research projects developed; 15 seminars convened; 150-200 specialists exchanged and extensive material published, disseminated and shared
Space Research	Bilateral	USSR	Agreement Between the U.S.A. and the USSR Concerning Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes (1972)	Six joint working groups established to implement Agreement on near-earth space, the moon and the planets; the natural environment, space biology and medicine; space meteorology; search and rescue; and on possible U.S. Space Shuttle and Soviet Salyut Space Station Mission
		Romania		Exchange visits of specialists, selection of a Romanian scientist as a Landsat-2 principal investigator, selection of Romanian proposal for flight on the shuttle-borne Drop Dynamics Module

Subject	Type	Country or Organization	Agreements	Activities
	Multilateral	U.N. Committee on Peaceful Uses of Outer Space		U.S. helped negotiate agreements on several space regulatory treaties
		Internal Telecommunications Satellite Organization		
		International Magnetospheric Study		
Medicine and Public Health	Bilateral	Poland	U.S.-Polish Cooperation in the Field of Health Agreement (1974)	To combine Polish and U.S. resources in joint efforts towards the solution of health problems of mutual interest; U.S.-Polish Joint Committee for Health Cooperation created and established 42 active projects and 12 project proposals; U.S. contributed $8 million to joint fund
		USSR	U.S.-USSR Agreement for Cooperation in Medical Science and Public Health (1972)	U.S.-USSR joint committee for health cooperation to implement the practical aspects of cooperation including the oversight of policy and administration logistics; to conduct cooperative efforts in the biomedical field through joint research projects & exchange scientists

Subject	Type	Country or Organization	Agreement	Activities
		USSR (Cont'd)	U.S.-USSR Agreement for Cooperation in Artificial Heart Research and Development (1974)	Approximately 75 joint activities; cooperation in cardiovascular diseases, artificial heart, malignant neoplasia, environmental health, arthritides, influenza and respiratory disease, eye disease
	Multilateral	World Health Organization (WHO) and UNICEF		U.S. participation in programs concerning maternal & child care, research & training in tropical diseases, improvement in the status of nutrition, disease control, health manpower development and promotion of environmental health
Transport Technology	Bilateral	Czechoslovakia	Memorandum of Understanding (June 1968)	Exchange of information and specialists in specific subject areas
		Hungary	Memorandum of Understanding between DOT & the Ministry of Transportation and Postal Affairs (MOTPA) (Oct. 1978)	R&D, specialists, delegations. Since 1970, 15 U.S. specialists to Hungary, 4 Hungarian specialists to U.S.

Subject	Type	Country or Organization	Agreement	Activities
		Poland	Memorandum of Understanding between DOT and Ministry of Transport (MOT)(Nov. 1971)	Research projects in driver habits and training, pedestrian behavior, use of coal fly ash in highway construction, rail safety, rail track structure improvement and human factors (aging and shift work) rail research; since 1972, 35 DOT specialists to Poland, 16 MOT specialists to U.S.
		Romania	Memorandum of Understanding between DOT and Ministry of Transport and Telecommunications (MOTT)	Limited exchanges of information; since 1970, 18 U.S. specialists to Romania, 10 Romanian specialists to U.S.
		USSR	U.S.-USSR Agreement on Cooperation in the Field of Transportation (June 1973)	U.S.-USSR Joint Committee on Transportation created to oversee implementation of the Agreement through annual meetings; working groups on civil aviation, marine transport, transport construction (bridge construction and tunneling), railroad transport, automobile transport (highway safety), facilitation (trade documentation) and transport of the future, urban trans-

Subject	Type	Country or Organization	Agreements	Activities
		USSR (Cont'd)		portation and hazardous materials transport; exchange of specialists, information, meetings and seminars and joint research programs and projects in all the groups; 1970-1979: 66 U.S. delegations involving 309 U.S. specialists to USSR, 65 Soviet delegations involving 274 Soviet specialists to U.S.
			U.S.-USSR Environmental Agreement	Joint projects on urban environment, prevention and clean-up of ship pollution
	Multilateral	ECE's Inland Transport Committee		To promote an efficient, safe and economical inland transport network in Europe
		ECE Working Party on Facilitation of International Trade Procedure		Working on the simplification, standardization & reduction of documents used in international trade; is presently pursuing the development of standards for the application of computer & communication technology to the interchange of cargo data

Subject	Type	Country or Organization	Agreements	Activities
	Multilateral	ECE Group of Experts on Construction of Vehicles		To harmonize motor vehicle safety standards
		ECE Group of Experts on Road Traffic Safety		Exchange information & harmonize practices pertaining to road & traffic safety; U.S. participation: supply major sources of info, research & experience in highway & traffic safety to other participating nations
		The International Civil Aviation Organization (ICAO)(est. 1974)		To coordinate international civil aviation in a safe and orderly manner
		Intergovernmental Maritime Consultative Organization (IMCO)		U.S. participation: to concentrate on developing international standards to improve safety at sea & control vessel-source marine pollution
		European Conference of Ministers of Transport (ECMT)		To resolve inland surface transportation questions, primarily among West European developed nations; 1977-U.S. became associate member

Subject	Type	Country or Organization	Agreements	Activities
	Multilateral	Organization for Economic Cooperation and Development (OECD)		U.S. participation: primarily in the Road Research Program and the experts group in Traffic Policies for the Improvement of the Urban Environment
		International Standards Organization (ISO)		To further international cooperation in the area of transport standardization; U.S. actively pursued harmonization of motor vehicle safety and international intermodal containerization; U.S. also deposited its instruments for the Intergovernmental Convention on Safe Containers
		International Union of Public Transport (UIPT)		To exchange information on urban transportation policy, planning and R&D technology
		International Union of Railways (UIC)		To adopt rules, regulations and standardization relating to the operation and improvement of rail transportation in Europe; U.S. member since 1973, submitted several R&D reports to the UIC's Documentation Bureau

APPENDIX VI

CHART 3

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Activities with International Organizations and CSCE States*

	Research, Development, and Demonstration Programs							
Organization/Activity	Air Pollution[a]	Water Pollution[b]	Radiation	Pesticides	Noise	Waste Mgmt[c]	Toxic Subst	Energy
International Organizations								
Commission of European Communities (CEC)	●	●			●	●	●	
Committee on Challenges to Modern Society (CCMS)	●	●				●		●
International Organization for Legal Metrology (OIML)	●	●	●	●	●	●	●	●
International Standards Organization (ISO)	●	●	●	●	●	●	●	●
Organization for Economic Cooperation and Development (OECD)	●	●	●	●	●	●	●	●
United Nations Economic Commission for Europe (ECE)	●	●				●	●	●
Food and Agriculture Organization (FAO)				●				
Intergovernmental Maritime Consultative Organization (IMCO)		●				●		
International Atomic Energy Agency (IAEA)			●			●		●
International Civil Aviation Organization (ICAO)	●				●			
World Health Organization (WHO)	●	●	●	●	●	●	●	●
World Meteorological Organization (WMO)	●	●						
United Nations Educational, Scientific, and Cultural Organization (UNESCO)	●	●						
United Nations Environmental Program (UNEP)	●	●	●	●	●	●	●	●
Bilateral Cooperation								
Canada	●	●				●	●	●
Federal Republic of Germany	●	●					●	
France		●			●			
France and United Kingdom[d]	●							
Soviet Union	●	●		●		●		●
United Kingdom	●	●					●	●
Scientific Activities Overseas Program								
Poland	●	●	●			●	●	●
Yugoslavia	●	●		●			●	●

[a] Includes troposphere and stratosphere.

[b] Includes marine, estuarine, and freshwater environments.

[c] Includes hazardous, solid, and radioactive wastes.

[d] Tripartite agreement.

* From U.S. EPA, Research Outlook, 1978, June 1978, page 73.

APPENDIX VII

TABLE XXII -- IMMIGRANT AND NONIMMIGRANT VISAS REFUSED -- Reasons for Refusal

FISCAL YEAR 1976 Grounds for Refusal Under the Immigration and Nationality Act		IMMIGRANT		NONIMMIGRANT	
Section		Visas Refused	Refusals Overcome	Visas Refused	Refusals Overcome
101(a)(15)	Aliens who fail to establish that they are entitled to nonimmigrant status			231,088	30,259
212(a)(1)	Aliens who are mentally retarded	271	171	508	367
(2)	Aliens who are insane	5	2	14	4
(3)	Aliens who have had one or more attacks of insanity . . .	33	13	103	100
(4)	Aliens who are afflicted with psychopathic personality, sexual deviation or a mental defect	19	4	39	24
(5)	Narcotic drug addicts or chronic alcoholics	20	2	26	56
(6)	Aliens afflicted with any dangerous contagious disease .	1,846	1,092	27	20
(7)	Aliens who have a physical defect, disease or disability which may affect their ability to earn a living	209	81	2	2
(8)	Paupers, professional beggars, vagrants		-	-	-
(9)	Aliens convicted of a crime involving moral turpitude or who admit having committed such a crime or committing acts constituting essential elements of such a crime . .	666	274	777	616
(10)	Aliens convicted of two or more offenses other than purely political offenses for which aggregate sentences actually imposed were five years or more	7	5	27	20
(11)	Immigrants who practice or advocate the practice of polygamy	4	-		
(12)	Prostitutes or procurers - persons coming to the United States to engage in other unlawful commercialized vice .	978	659	61	56
(13)	Aliens seeking admission to engage in any immoral sexual act	-	1	2	-
(14)	Aliens seeking admission to perform skilled or unskilled labor for which sufficient workers are available in the United States	1,909	386		
(15)	Aliens likely to become public charges	47,786	16,835	14,905	4,298
(16)	Aliens excluded and deported seeking admission within one year from date of their deportation who have not obtained permission from the Attorney General to apply for readmission	6	3	4	2
(17)	Aliens previously arrested and deported, or removed from the United States who have not obtained permission from the Attorney General to reapply for admission	336	95	160	68
(19)	Aliens who committed fraud or wilfully misrepresented a material fact to obtain a visa or other documentation . .	1,253	429	1,248	176
(22)	Immigrants who are ineligible to citizenship and persons who avoided or evaded military service in time of war or national emergency	21	3	83	59
(23)	Aliens convicted of violation of law or regulation relating to illicit possession of or traffic in narcotic drugs	76	12	213	134
(24)	Aliens who seek admission from foreign contiguous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory line	1	-	-	-
(25)	Immigrants over 16 years of age physically capable of reading who cannot read and understand some language or dialect	96	75		
(26)	Nonimmigrants not in possession of valid passports or other suitable travel documents			379	138
(27)	Aliens who, after entry, might engage in activities prejudicial to the public interest, or endanger the welfare, safety or security of the United States	✓ 4	1	63	-
(28)	Aliens who are or at any time have been anarchists, communists or other political subversives	✓ 49	16	19,305	18,500
(29)	Aliens who, after entry, probably would engage in espionage, sabotage or other subversive activity - or who would join, affiliate with or participate in any organization registered or required to be registered under Section 7 Subversive Activities Control Act of 1950 . . .	✓ 1	-	6	-
(31)	Aliens who have encouraged, induced, assisted, abetted or aided other aliens to enter the United States in violation of law	19	1	33	53
212(e)	Former exchange visitors who have not resided abroad for two years following departure from the United States . .	25	9	-	192
221(g)	Aliens whose applications do not comply with the provisions of the Immigration and Nationality Act or regulations issued pursuant thereto	56,584	34,083	97,079	33,339
	Total Grounds for Refusal	112,224	54,252	366,151	88,546
Number of Applicants 1/		109,204	53,317	358,033	86,830

1/ The total of grounds for refusal may exceed the total number of applicants refused a visa because an applicant may be refused under more than one section of the Immigration and Nationality Act.

Source: 1976 Report of the Visa Office, U.S. Department of State, Wash, D.C.

APPENDIX VIII

Waiver Language of Section 212(d)(3)

"(d)(3) Except as provided in this subsection, an alien (A) who is applying for a nonimmigrant visa and is known or believed by the consular officer to be ineligible for such visa under one or more of the paragraphs enumerated in subsection (a)(other than paragraphs (27) and (29)), may, after approval by the Attorney General of a recommendation by the Secretary of State or by the consular officer that the alien be admitted temporarily despite his inadmissibility, be granted such a visa and may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General, or (B) who is inadmissible under one or more of the paragraphs enumerated in subsection (a)(other than paragraphs (27) and (29)), but who is in possession of appropriate documents or is granted a waiver thereof and is seeking admission, may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General."

APPENDIX IX

IMMIGRATION AND NATIONALITY ACT, SECS. 212(a)(27), 212(a)(28), and 212(a)(29)

General Classes of Aliens Ineligible to Receive Visas and Excluded from Admission; Waivers of Inadmissibility

8 U.S.C. 1182 "Sec. 212.(a) Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States...

"(27) Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United Sates;

"(28) Aliens who are, or at any time have been, members of any of the following classes:

"(A) Aliens who are anarchists;

"(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

"(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States, (ii) any other totalitarian party of the United States, (iii) the Communist Political Association, (iv) the Communist or any other totalitarian party of any State of the United States, or any foreign state, or of any political geographical subdivision of any foreign state, (v) any section, subsidiary, branch, affiliate, or subdivision of any such association or party, or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt: Provided, That nothing in this paragraph, or in any other provision of this Act, shall be construed as declaring that the Communist Party does not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means;

"(D) Aliens not within any of the other provisions of this paragraph who advocate the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of, or funds furnished by, such organization;

"(E) Aliens not within any of the other provisions of this paragraph, who are members of or affiliated with any organization during the time it is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950,* unless such aliens establish that they did not have knowledge or reason to believe at the time they became members of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or reason to believe) that such organization was a Communist organization;

"(F) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage;

"(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, distribution, or display, any written or printed matter advocating or teaching opposition to all organized government, or advocating or teaching (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotoge; or (v) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship;

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*Sec. 7 of the Subversive Activities Control Act of 1950 (50 U.S.C. 786) was repealed by the Act of January 2, 1968 (81 Stat. 766).

"(H) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (g);

"(I) Any alien who is within any of the classes described in subparagraphs (B), (C), (D), (E), (F), (G), and (H) of this paragraph because of membership in or affiliation with a party or organization or a section, subsidiary, branch, affiliate, or subdivision thereof, may, if not otherwise ineligible, be issued a visa if such alien establishes to the satisfaction of the consular officer when applying for a visa and the consular officer finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and where necessary for such purposes, or (ii)(a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for a visa, actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. Any such alien to whom a visa has been issued under the provisions of this subparagraph may, if not otherwise inadmissible, be admitted into the United States if he shall establish to the satisfaction of the Attorney General when applying for admission to the United States and the Attorney General finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and when necessary for such purposes, or (ii)(a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for admission actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. The Attorney General shall promptly make a detailed report to the Congress in the case of each alien who is or shall be admitted into the United States under (ii) of this subparagraph.

"(29) Aliens with respect to whom the consular officer or the Attorney General knows or has reasonable ground to believe probably would, after entry, (A) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security, (B) engage in any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means, or (C) join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950;*..."

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*Sec. 7 of the Subversive Activities Control Act of 1950 (50 U.S.C. 780) was repealed by the Act of January 2, 1968 (81 Stat. 766).

APPENDIX X

Nonimmigrants Admitted by Classes under U.S. Immigration Laws: 1970-1978*

Country	FY 1970	FY 1971	FY 1972
Austria	26,322	24,586	25,758
Belgium	24,998	27,777	31,764
Bulgaria			1,208
Czechoslovakia	18,151	15,493	11,455
Denmark	29,043	28,340	29,783
Finland	14,590	14,657	17,367
France	147,598	155,723	184,531
Germany	256,583	257,369	308,459
Greece	42,268	39,632	47,636
Hungary	12,205	11,659	11,848
Iceland			4,006
Ireland	40,528	42,375	52,448
Italy	161,324	151,414	178,005
Luxembourg			1,255
Malta			2,073
Netherlands	72,477	74,693	83,897
Norway	27,550	28,259	36,565
Poland	24,633	22,213	25,188
Portugal	30,686	28,011	36,437
Romania			5,651
Spain	45,780	41,577	51,456
Sweden	46,299	44,028	53,098
Switzerland	46,756	45,845	52,316
Turkey (Europe & Asia)	11,968		
United Kingdom	389,587	389,907	489,952
USSR	10,501	8,881	9,995
Yugoslavia	20,585	21,236	20,922
Other Europe	19,634	17,109	2,971
Total Europe	1,520,066	1,490,784	1,776,084

*Source: Immigration and Naturalization Service, Annual Reports. Table 16.

Country	FY 1973	FY 1974	FY 1975
Austria	28,197	33,963	31,588
Belgium	32,958	41,653	37,174
Bulgaria	1,301	1,720	1,747
Czechoslovakia	11,555	11,880	11,883
Denmark	32,542	35,236	33,454
Finland	20,082	19,961	22,365
France	210,564	214,997	190,982
Germany	361,063	412,370	385,296
Greece	53,572	63,051	52,000
Hungary	13,583	14,365	14,063
Iceland	4,924	6,281	4,887
Ireland	55,372	54,400	48,237
Italy	179,166	184,428	170,628
Luxembourg	1,828	1,812	1,855
Malta	2,141	2,311	2,353
Netherlands	89,810	95,045	97,703
Norway	40,004	41,766	41,321
Poland	28,046	30,258	42,242
Portugal	37,963	44,218	42,990
Romania	7,324	9,129	8,969
Spain	65,727	71,481	68,350
Sweden	61,668	63,365	64,892
Switzerland	63,574	72,783	72,521
USSR	11,796	14,050	15,781
United Kingdom	570,915	630,876	581,795
Yugoslavia	24,353	28,621	27,337
Other Europe	3,343	9,250	3,868
Total Europe	2,013,371	2,212,756	2,076,281

Country	FY 1976	FY 1977	FY 1978
Austria	31,664	38,376	46,145
Belgium	39,520	48,235	61,513
Bulgaria	2,042	2,764	2,705
Czechoslovakia	12,600	12,181	16,055
Denmark	38,627	44,360	51,801
Finland	25,383	26,043	29,851
France	215,553	245,651	282,025
Germany	413,854	449,581	550,356
Greece	53,707	59,734	65,006
Hungary	14,807	15,770	18,857
Iceland	8,774	7,588	10,396
Ireland	50,405	52,664	66,495
Italy	185,780	182,666	220,010
Luxembourg	1,814	2,240	2,818
Malta	2,405	2,693	3,167
Netherlands	108,208	126,013	158,502
Norway	44,999	49,997	56,351
Poland	41,080	38,974	49,439
Portugal	42,469	48,343	56,476
Romania	10,494	14,362	15,930
Spain	79,972	85,784	98,528
Sweden	75,906	85,968	103,390
Switzerland	79,950	97,634	115,601
USSR	16,399	15,664	18,539
United Kingdom	619,114	664,594	878,035
Yugoslavia	28,526	29,674	35,353
Other Europe	4,374	3,630	5,683
Total Europe	2,245,856	2,541,126	3,019,885

APPENDIX XI

Cultural and Educational Exchange: U.S. Organizations Involved in East-West Cooperation

African Bibliographic Center

AIESEC-U.S. -- International Association of Students in Economics and Business Management

Alley Theater -- Houston

Alliance College

American Association for the Advancement of Slavic Studies

American Association of Teachers of Slavic and East European Languages

American Bar Association

American Business Press

American Conservatory Theater

American Council of Learned Societies

American Council of Teachers of Russian

American Council of Young Political Leaders

American Economic Association

American Field Service

American Film Institute

American Friends Service Committee

American Hungarian Foundation

American Library Association

American Newspaper Publishers Association

Appeal of Conscience Foundation

Arena Stage

Association of American Publishers

Association of American University Presses

Bryn Mawr College

University of California -- Los Angeles

Catholic University

Center for Applied Linguistics

Center for Strategic and International Studies -- Georgetown University

Citizen Exchange Corps

University of Connecticut

Council of Chief State School Officers

Council for International Educational Exchange

Council on International Nontheatrical Events

Duquesne University

Educational Testing Service

Eisenhower College

Eisenhower Exchange Fellowships

Experiment in International Living

University of Florida

Fordham University

Forum for U.S.-Soviet Dialogue

Friendship Ambassadors

Future Farmers of America

Georgetown University

Goshen College

Guthrie Theater -- Minneapolis

Harvard University

Hungarian Cultural Foundation

IAESTE-U.S. -- Association for International Practical Training

University of Illinois

Indiana University

International Research and Exchanges Board

International Theater Institute of the United States

University of Iowa, International Writing Program

Iowa State University

Jane Addams Peace Association

Johns Hopkins University

Juilliard School

University of Kansas

Kennan Institute of the Wilson Center, Smithsonian Institution -- Washington, D.C.

Kent State University

Charles F. Kettering Foundation

Kosciuzko Foundation

League of Women Voters

Lock Haven State College

University of Lowell -- Massachusetts

Mankato State University

University of Maryland

The Metropolitan Museum of Art

Michigan Institute of Technology

Michigan State University

Midwest Universities Consortium for International Activities -MUCIA -- University of Minnesota

The Museum of Modern Art

National Academy of Sciences

National Council for Social Studies

National Education Association

National 4-H Council

National Gallery of Art

National Governors Association

State University of New York

New York University

Oberlin College, Writer-in-Residence Program

University of Oklahoma

Pacific Film Archive

People-to-People International

University of Pittsburgh

Portland State University

Renwick Gallery

Rutgers -- The State University of New Jersey

Sister Cities International (Town Affiliation Association)

Smithsonian Institution Traveling Exhibitions Service

Stanford Research Institute

Texas Technological University

University of Texas

United Nations Association

Universities Film Association -- International Liaison Center for Film and Television Schools

U.S. Conference of Mayors

U.S. General Services Administration -- National Archives and Records Service

U.S. Library of Congress

Virginia Polytechnic Institute

University of Washington

University of Wisconsin

Women for Racial and Economic Equality

Yale University

YMCA